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**PENNSYLVANIA ARCHIVES.**

**Fourth Series.**

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**PAPERS OF THE GOVERNORS.**











**JAMES BUCHANAN**  
**of Pennsylvania.**  
**President of the United States, 1857-1861.**



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# PENNSYLVANIA ARCHIVES

**Fourth Series**

EDITED BY  
**GEORGE EDWARD REED, LL.D.**

UNDER THE DIRECTION OF  
**HON. W. W. GRIEST**  
SECRETARY OF THE COMMONWEALTH.

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**VOLUME VIII.**  
**PAPERS OF THE GOVERNORS.**  
**1858-1871.**

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Mr. L. Packer



**WILLIAM FISHER  
PACKER,  
Governor of the Common-  
wealth.  
1858-1861.**



county. In 1827 he began the study of law, but laid it aside to undertake the editorship of the *Lycoming Gazette*, published at Williamsport, which remained under his charge until 1836, when he went to Harrisburg to assist in the establishment of the *Keystone*, with which he remained until 1841.

In 1835, he was a candidate for Senator, but was defeated by the coalesced Independent Republicans and Anti-Masons. From 1839 to 1841 he was a member of the Board of Canal Commissioners and in 1842 he was appointed by Governor Porter, Auditor General of the Commonwealth, a position which he held until 1847. In that year he was elected to the House of Representatives; he had actually been elected the preceding year, but by a clerical error in figuring the returns, his opponent was returned, the error not being discovered until that gentleman had actually served his term for this office. Although he now appeared in the House for the first time, he was at once elected Speaker, an isolated instance in the history of the Assembly. In 1848, being re-elected to the House, he was again chosen Speaker. The following year, 1849, he was the Democratic candidate for State Senator for the district comprising Lycoming, Clinton, Centre and Sullivan counties, defeating Andrew G. Curtin, also afterward Governor. His legislative career was characterized by breadth, energy and power. He opposed the insular policy of the party which objected to transportation lines across the lines of State improvements, leading to the cities of other states, and introduced a bill to incorporate the Susquehanna Railroad and carried it through in spite of violent opposition. He was an



earnest supporter of the three hundred dollar exemption law, and advocated the election of the judiciary by popular vote.

In 1857 he was the Democratic candidate for Governor and was elected by a large plurality over the Republican candidate, David Wilmot, author of the "Wilmot Proviso," and the Native American candidate, Isaac Hazelhurst. The great question of the hour, during his administration, was the relations between the northern and southern states as affected by the institution of slavery. He was a believer in state sovereignty and in state rights but not a believer in the right of secession. The attempt at withdrawal from the Union made by various southern states during the last year of his tenure of office, was strongly reprobated by him, although he preferred the composition of the difficulties by a compromise rather than by resort to force of arms.

Upon his retirement from the chief magistracy, he withdrew from public life on account of failing health and passed the remainder of his days in the city of Williamsport, where he died on the 27th of September, 1870. His term as Governor comprised the period from January 19, 1858 to January 15, 1861.



## Inaugural Address to the Assembly.—1858.

Fellow-Citizens:—

**I**N APPEARING BEFORE YOU TO ENTER UPON my duties as Governor of the Commonwealth, I consult my own inclinations in conforming to the usage which demands a popular address; and, in the first place, I gladly embrace this opportunity to return my profound and grateful thanks to the People of Pennsylvania, for honoring me with the Chief Executive office in their government. Their kindness will never be forgotten, nor will the confidence they have reposed in me ever be intentionally betrayed. Duty to them and to myself will require that the obligation which I have just taken to discharge my public duties with fidelity shall be faithfully observed; and thus justify, as far as possible, the popular decision. Doubtless I may commit errors in a position involving so much of responsibility; but I will hope that none of them will be of a grave character, or productive of vital injury to the public interests. I crave in advance a charitable judgment upon my official conduct—that it shall be construed with kindness and toleration so long as it shall appear to be prompted by sincere and honest motives—and I here engage, in this public and formal manner, to regard the will of the people, the public good, and the commands of the Constitution, as the guiding lights by which my course is to be directed. With these aims constantly in view, I shall indulge the pleasing hope of doing some good in the high station to which I have been called by the public voice, and of repressing some evils which may threaten the public welfare, or the individual rights of the people.

Fellow-Citizens of the Senate and House of Representatives:—It will be my ardent desire to cultivate with you, as Representatives of the people, the most amicable relations, and to unite with you in the adop-



tion of all such measures as the public good may require. The different branches of the government, although charged with distinct duties, are to be regarded as parts of one harmonious whole; and it is well when all these parts move onward without jar, interference, or collision. Nevertheless, the distinct duties of the Executive, when duly and honestly performed, may occasion differences with the Legislature; but, in such case, it will be expedient to cultivate a spirit of compromise and conciliation for the disposal of such differences, or, at least, for mitigating the feelings of alienation to which they tend.

It is one of the duties of the Executive from time to time, to give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient; and under usage this is done by messages in writing, which are entered among the public records and remain a part of the official history of the State. I do not understand this as a power of dictating to the General Assembly the measures they shall adopt, nor even as a power of initiating laws, but as an informing and suggesting power, in no respect trenching upon the just and proper jurisdiction of the legislative department of a free State. In short, it was never intended to give a legal control over the proceedings of the Representatives of the people in the enactment of laws. It is, therefore, a right of communication with them, which, while prudently and reasonably exercised, can give no just occasion for jealousy, objection, or complaint. The Executive, when exercising this right, is but performing a plain duty, and can apprehend no difficulty in speaking with a respectful freedom even upon questions where an entire agreement of sentiment cannot be expected. But, there is another and more delicate power which pertains to the relations between the Legislative and Executive departments.



By the twenty-third and twenty-fourth sections of the first article of the Constitution, all bills passed by the General Assembly, and most of the orders, resolutions and votes in which they may concur, are submitted to the Executive, and if disapproved by him can only be made valid by a vote of two-thirds of each House. This power of disapproval is among the most important duties of the Executive, and is constantly becoming more so, from the operation of obvious and natural causes. In my opinion it is the clear and binding duty of the Executive to return for re-consideration every bill, order, resolution or vote, presented to him which he cannot approve—in other words, that the assent of his judgment and conscience shall be actually given to any measure before he permits it to take effect; unless, indeed, it be passed against his objection by a two-thirds vote. The words of the Constitution are “if he approve he shall sign it, but, if he shall not approve, he shall return it with his objections to the House in which it shall have originated.” Words could not convey a power, and prescribe a duty in a more clear and definite form. It is manifestly the intention of the Constitution that the deliberate and conscientious approval of the Governor shall be given to a bill before it becomes a law, in addition to the approval of the two Houses that have previously passed it; unless the majorities afterwards given to it upon re-consideration in each House, shall be so decisive as to clearly indicate the wisdom of the measure. It is true that upon things trivial or indifferent, where no great interests are involved, nor constitutional principles in question, nor private rights assailed, considerations of expediency may be taken into account by the Executive; but certainly no substantial objection, whether of policy or of principle, can be waived by him in view of his oath to support the Constitution. Ten days (Sundays excluded) are allowed the Execu-



tive to consider a bill, and to approve or veto it, after which it will become a law without his signature, if not previously returned. The practice of my predecessors has been occasionally to permit bills to become laws by this limitation of time. They have taken effect in the entire absence of Executive action. But I believe this has only occurred where the Executive has found it impossible to form a positive opinion upon the measure—where, though not unobjectionable, it was trivial—or, where it was manifest that a veto would not cause its defeat. This Executive practice ought not to be contended, and the practice itself is open to question. For if the provision that bills neither signed nor returned within ten days, shall become laws, was intended as a guard against Executive abuse, in holding them an undue period, and not as a mode by which the Executive might cause them to take effect, without the responsibility of acting upon them, it would seem clear that the practice of holding them over for such purpose cannot be defended.

But the Legislature, by its adjournment within ten days after the passage of a bill, may deprive the Executive of due time for considering it, and hence it is provided that in such case it shall become a law, unless sent back within three days after the next meeting. In modern practice, a large number of bills are usually sent to the Governor within a few days of the adjournment of the Legislature, which it is impossible for him to consider duly before the adjournment takes place. In fact, many are sent to him in the very closing hours of the session. But it would seem plain, that the Executive could reasonably ask, in such case, only the full Constitutional period of ten days for forming his opinion, and that all bills he believes it his duty to approve shall be actually signed within that period. By the exercise of reasonable industry, this can, in all cases, be accomplished. Then, such bills as he disap-



proves, will be held over to be returned to the proper branch of the General Assembly, within three days after their next meeting, according to the Constitutional provision. This will properly dispose of all bills in his hands at the adjournment, unless indeed it be allowable to hold over bills and permit them to become laws without his action.

The propriety of signing bills by the Governor, between the sessions of the Legislature, has been questioned. It does not accord with the old practice, and is certainly liable to abuse. During my term it will be strictly confined to the first ten days after an adjournment, and all bills not then approved, may be considered as awaiting the next meeting of the General Assembly, to be returned with the Executive disapproval. The Executive should not be subjected for long periods of time to the solicitations of those interested in bills, nor should he be subject to the imputations of indecision or favoritism, almost unavoidable in such cases. Nor is it right that he should have in his hands the means of influence which the holding open of his decision upon bills, during a recess, would confer. Besides, a great wrong may be done to those interested in legislation, by continuing them for an undue period in uncertainty as to the fate of bills in which their rights, their property, or their business may be involved. These are evils which an Executive may obviate, by settling his policy firmly in the outset of his administration. It would be well, also, for the Legislature to so shape its action as to avoid the necessity of sending many important bills to the Governor in the closing days or hours of a session.

Fellow Citizens:—Although it will not be expected that I should at this time discuss in detail the particular questions which will probably come before the Government during my term, I desire briefly to give expression to the general views of public policy to which



I hold, in their application to practical issues now pending. The currency of the State is in such a disordered condition, that a general and wholesome public opinion demands its reform, and the establishment of effectual barriers against future convulsions. This is a subject which will test the intelligence, the firmness, and the patriotism of the representatives of the people in the Legislative department, and may impose grave responsibilities upon the Executive. My views are decidedly hostile to the emission and circulation of small notes as a currency; to the increase of banking capital under present arrangements; and to the issues of bank paper upon securities inadequate for their redemption. The want of uniformity in the legal provisions under which existing banks operate, is objectionable. In the revision and amendment of our banking system, the public interests, in my opinion, demand the extension of the specie basis upon which issues are made; the suppression of the smaller denomination of notes heretofore allowed; thorough reports of the condition and business of banks with their frequent publication; additional security, (other than specie,) to consist of the bonds of this State or of the United States, for the redemption of circulating notes, including in all cases proper individual liability of stockholders and directors, fitted for convenient and actual enforcement; with a supervisory and controlling power in some proper officer or department of the Government to restrain or suspend the action of banks in case of their violation or evasion of the law.

When a specie currency shall be secured to the people by prohibiting the circulation of bills of a small denomination, it will be highly desirable that the fiscal affairs of the State Government shall be wholly separated from those of the banks; in other words, that the money transactions of the Government, both in its collections and disbursements, shall be in the legal coin



of the country. Whenever a practicable, convenient and efficient scheme for the operations of the Treasury upon such a basis can be presented to me by the Representatives of the people, it will meet with a cheerful approval. There are difficulties in the case, however, far greater than those surmounted by the General Government, in the establishment of its Independent Treasury system; but the object being one of the first magnitude, and calculated to exercise a most salutary influence upon the action of the Government, and upon the business of the banks and the people, it is well worthy of earnest consideration.

In reforming the currency, a single State can accomplish but a moderate amount of good, however sincere, intelligent and earnest it may be, without the co-operation of other States, and especially of those which adjoin it. Bank notes are not stopped in their flow by imaginary State lines, nor does it seem possible for a State altogether to prevent foreign notes from circulating within her borders, even by the most stringent enactments. We must, therefore, invoke our sister States to join with us in the repression of small paper, and in such other particulars of reform as require for complete success their co-operation. Meantime to the extent of our power let us exert ourselves to furnish our citizens with a safe and stable currency; to prevent future financial convulsions similar to that under which the community has for some time been struggling; and to relieve the Government in its fiscal action from the danger of depreciated or worthless paper, and the embarrassments arising from dependence upon corporations of her own creation.

The people of Pennsylvania by the recent adoption of an amendment to the Constitution on the subject of public indebtedness, have imposed an imperative obligation upon their servants to practice economy, to limit expenditures, and to give their best efforts to the



gradual but eventual extinguishment of the existing public debt. After eight years of experience under the sinking fund act of 1849, we find our public indebtedness but slightly diminished. The constitutional amendment just adopted demands the establishment of an effective sinking fund for its payment, and I shall consider it one of the leading duties of my administration to see that that amendment is carried out both in its letter and its spirit. I cannot regard the reduction of the three mill tax on property made at the last regular session of the Legislature, otherwise than as inopportune; and doubtless existing financial embarrassments will for a time reduce the amount derived from other sources of revenue. Nor will any very large amount of the purchase money of the main line of the public works be realized by the Treasury for a considerable period. It will, therefore, be necessary for the State to husband her resources, and to increase her revenues as far as is possible, without oppression to any interest, in order to meet her current and necessary outlays, the demands of her creditors, and the positive obligation of the constitutional amendment.

There is a great lack of consistency and principle in the laws passed during some years in relation to incorporations. They have been created upon no settled, uniform plan; are excessive in number; and many of them unnecessary to the accomplishment of any legitimate purpose. They have doubtless encouraged speculation, and in various ways contributed to the recent financial convulsion. Various and inconsistent provisions appear in acts establishing or extending the powers of corporate bodies of the same class and general character. The tax laws relating to them are in some confusion, and consequently taxes paid by them unequal, while some wholly escape any share of the public burdens. In brief, our system of incorporations has become so vast, diversified and difficult



of comprehension, that no reasonable industry can master the whole subject, and understand precisely where we are and whither we are drifting. A thorough revision of our laws on this subject, and the establishment of general, uniform, regulations for each class of corporate bodies, with the avoidance, as far as possible, of special provisions for particular corporations, are reforms imperiously demanded by the public interests, in which I shall heartily co-operate. I have no hostility to express against incorporations for proper objects beyond the power of individual means and skill; nor generally against legislative facilities for the application of labor and capital to the creation of wealth, where individual unprompted action will not go. But no one can assert that we have limited ourselves to such a policy, nor that our laws on this subject have been careful, consistent and just.

But, notwithstanding all topics of regret or criticism in our public career, (and which should bear their proper fruit in amendment and reform,) we may well be proud of this Pennsylvania of ours—of her people, her institutions and her laws. She has become great, prosperous and powerful; ranking among the first of the States; and her condition at home and character abroad bear testimony to her merits, and promise for her a distinguished future. Besides her agricultural resources, which are great and first in importance, she is capable of producing, in untold quantities, those two articles of prime necessity and universal use, Iron and Coal. Even in times of wide spread financial calamity, when speculation and extravagance have done their worst to cripple the operations of capital, and stay the hand of labor in its useful toil, the leading interests of our State may be counted among the first to revive and to furnish a strong and reliable basis for the resumption of activity in all the channels of employment, and in all the operations of trade. That Government



would be unwise and blind which would administer the public affairs of this State otherwise than in a spirit of kindness and protection to these great and capital interests.

From the earliest period of our history it has been the policy of Pennsylvania to educate all her citizens; and at this time our institutions of learning and educational facilities are equal to those of any country. Our Common School system is justly distinguished as one of the most practical and efficient in the union. Let us then cherish this traditional policy, coming down to us from the fathers of the Commonwealth, and by every means in our power foster and strengthen the measures now successfully producing the results so ardently desired by the patriotic men who have gone before us.

While our domestic affairs and policy naturally will occupy most of the attention of our Government and our people, it is not to be forgotten that Pennsylvania bears very interesting relations to the other States of the confederacy, and looks with anxious eye to the proceedings and policy of the General Government. It is both our duty and our interest to cultivate the most friendly relations with our sister States, and to frown upon all attempts to sow among them feelings of alienation. We should exert our whole influence to keep the government of the Union in its true position, as the common agent of the States and the people, exercising high powers in trust for their advantage and welfare, and deriving all its power from the written Constitution which called it into being. At this time we have strong reason to confide in that Government, as we know that its administration is in safe, able and patriotic hands; and that it may be trusted to deal justly with all sections of the country.

Insubordination—an utter disregard and contempt of just and lawful authority—has heretofore pro-



duced difficulties in the Territories of Kansas and Utah, and, in the case of the latter, has now precipitated a state of armed hostility between the inhabitants and the General Government. In the former, the peaceful American remedy for the redress of political grievances, real or imaginary—the ballot-box—has been for a long time abjured by a considerable portion of the population, and a struggle between legal authority and unlawful and irregular combinations, continued down to the present period. Meantime, contributions of money and aid from the States, have kept up excitement and turbulence in the Territory, and enabled designing men there to inflame passions, which otherwise would long since have subsided. The judgment and opinion of the country cannot be too strongly consolidated in favor of the laws, and against all who rise up to oppose them by unauthorized means. Nor can the excuse for resistance to the Territorial laws, and for failing to perform the duties of citizenship under them, that wrongs and frauds were perpetrated at elections, be admitted as a justification. Where elections are so frequent, and the right of suffrage so liberal, as in this country, it is peculiarly the duty of a good citizen to obey existing authorities, and even objectionable laws, knowing that the former can be changed, and the latter modified or repealed, within a very brief period. And as to disputed elections, they must be decided by the proper legal authority, and not be individual citizens, or irregular, self-constituted assemblages.

Insubordination to necessary and rightful authority, instigated and encouraged by unworthy men in the organized States, who desired that discord should continue, and were willing to contribute to that object, is the prolific fountain from which the troubles in Kansas have heretofore proceeded. It was natural, perhaps inevitable, that this conduct by a party in



the territory should provoke an opposite party to many unjustifiable acts, and to much imprudent and unreasonable conduct. Thus extremes act and re-act upon each other and when the laws are defied and individual action let loose, wrong, outrage and violence are necessary results.

The last phase of the Kansas question, which is upon the Constitution framed by a Territorial Convention, is peculiarly for the judgment of Congress, to which the power of admitting new States is confided by the Constitution of the Union. The representatives of the people and of the States in Congress assembled, will meet that question under all the responsibilities which they owe to their constituents, and which are imposed upon them by their oaths of office; and with full information upon matters of fact important to the formation of a final judgment. Events are constantly occurring in the Territory which will afford matter for Congressional debate, and may affect the ultimate decision.

To the people of Pennsylvania the admission of a new State into the Union—into that confederacy of which she is a member—must be at all times a subject of high interest. And I believe I express their sentiments, as well as my own, in declaring that all the qualified electors of a Territory, should have a full and fair opportunity to participate in selecting delegates to form a Constitution preparatory to admission as a State, and, if desired by them, they should also be allowed an unqualified right to vote upon such Constitution after it is framed. Of course those who then fail to vote, in either case, cannot complain that the proceeding goes on without their participation. It is to be hoped, that Congress will make such provision for other Territories that the present difficulty will have no repetition in the future.

In conclusion, permit me to observe, that all experi-



ence and reflection prove that the moral virtues form the only firm foundation of public order as well as individual character, and their support should, therefore, engage the profound attention of Government, and the co-operation of all good men. Frail indeed will be any structure reared for the regulation of society, and the promotion of man's true and substantial happiness, unless it stand upon a foundation more permanent than paper arrangements, or the fleeting impulses of the hour! The recognition of a Great Supreme Power, which rules the affairs of nations and of men, is the only support of those virtues which can make a people distinguished and prosperous, and give to Government duration and success. Sincerely imploring the Divine guidance in the performance of duty, I assume the post assigned me by the people, indulging the hope that at the termination of my service I shall enjoy the approval of my own conscience, and behold Pennsylvania advanced and secure in her position as one of the great communities of the New World—her standard aloft, and proudly bearing, untarnished, her motto of "Virtue Liberty and Independence."

WM. F. PACKER.



To the Speaker of the Senate Giving Notice of the  
Appointment of William M. Hiester to be Secre-  
tary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 20, 1858.

To the Hon. W. H. Welsh,  
Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE THAT  
I have this day appointed and commissioned Wil-  
liam Hiester to be Secretary of the Common-  
wealth, agreeably to the eighth section of the second  
article of the Constitution.

I have the honor to be, Sir,

Your obedient servant,

WM. F. PACKER.

---

To the Senate Nominating Oramel Barrett to be Su-  
perintendent of Public Printing.

Executive Chamber,  
Harrisburg, January 21, 1858.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE  
and consent of the Senate, Oramel Barrett, Esq.,  
of the county of Dauphin, to be Superintendent  
of Public Printing, agreeably to the provisions of the  
act of the 9th day of April, A. D., 1856, entitled "An  
Act in relation to public printing."

WM. F. PACKER.



To the Assembly Vetoing "An Act Permitting the Borough of Scranton to Issue Credit Notes."

Executive Chamber,  
Harrisburg, January 28, 1858.

Gentlemen:—

**I** HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, the bill, entitled "An Act relative to the borough of Scranton," without my approval.

This bill proposes to authorize the burgess and council of the borough of Scranton, in Luzerne county, "to issue orders on its treasurer for the payment of laborers employed by said borough, and pledge the taxes for street and borough purposes for the year one thousand eight hundred and fifty-eight, for the payment of said orders, and otherwise anticipate the revenues of said borough for the same year, for the purpose of providing work for the destitute and unemployed laborers during this winter."

The evident object of this bill is to create a species of local currency upon the credit of the corporation, to be distributed in small amounts among the laboring population. This is in direct conflict with existing general laws of the State. The act of twelfth April, one thousand eight hundred and twenty-eight, entitled "An Act concerning small notes for the payment of money," and the resolution of the twenty-fourth June, one thousand eight hundred and forty-two, established a general policy, which it will be wise to maintain. I am not aware of any recent attempt to depart from that policy, nor am I aware of any public opinion which would sanction it. The object of the State shall be to furnish her laboring population with a sound currency; and, in my opinion, their true interests will not be promoted by laws of the character now proposed. The objections to small notes apply with peculiar force to those issued by municipalities.



Depending for their prompt redemption upon the uncertain revenue policy of the corporation, and partaking generally of the imperfections of paper not redeemable on demand in coin, they are liable to sudden and great depreciation.

This bill is also liable to the general objections which apply to special acts for particular localities, exempting them from the operation of general laws. Our laws relating to boroughs are believed to be liberal, and sufficient for all legitimate purposes. If they should be found to be imperfect, the true remedy is to amend them by provisions which shall operate equally and generally throughout the Commonwealth.

WM. F. PACKER.

---

To the Assembly Vetoing "An Act to Incorporate the Trout Run Coal and Iron Company."

Executive Chamber,  
Harrisburg, February 1, 1858.

Gentlemen:—

**A**FTER CAREFULLY CONSIDERING THE BILL, entitled "An Act to incorporate the Trout Run coal and iron company," I am constrained to return it to the House of Representatives, in which it originated, without my approval.

The object of the bill, as set forth in the first section, is to incorporate a company with powers to "take and hold land not exceeding two thousand acres, in fee simple, in the counties of Centre and Clearfield, and to prove and open the veins of coal and other minerals on or in their lands, and to prepare the same for being worked and leased, with power to work and lease the said lands or any portion thereof."

In the second section of the bill it is proposed to



give the corporation power "to construct such lateral or branch railroads as may be necessary to connect any of its lands with the Pennsylvania railroad, or other public improvement."

A special act of Assembly is wholly unnecessary to the organization of a company for mining purposes. Under the "Act to encourage manufacturing operations in this Commonwealth," passed 7th April, 1849, and its various supplements, full power is given to any number of persons, not less than five, to form a company for mining, carrying to market and selling coal and other minerals. And the said act and its supplements also contain liberal provisions for carrying into effect the objects and purposes of such company when formed. It is true, the general law does not confer the power to construct railroads, to the extent proposed by the second section of the bill under consideration, nor do I believe that such power should now be granted. This part of the bill is clearly objectionable. By the first section the company is authorized to take and hold land not exceeding two thousand acres, in any parts of Centre or Clearfield counties; and the second section authorizes it to construct lateral or branch railroads from any point where any of its lands are located to the Pennsylvania railroad, or other public improvement. In effect, this is to empower the company to start a railroad at any point in either of the counties of Centre or Clearfield, to run it any distance in any direction, and to terminate it at any point where it would connect with any public improvement in the State. This, in my opinion, is altogether too indefinite and general. A grant of power to a corporation should be clear, precise and definite.

If the persons who, in this bill, propose to associate themselves together, desire to purchase and hold lands, and engage in the business of mining and sell-



ing coal, they can, if they choose, organize a company under the general law, and when organized the company can doubtless, without difficulty, obtain a specific grant to construct any railroad which may be clearly necessary for its business purposes. But, to bestow upon a company the unusual and unlimited power proposed in this bill, before it is known when, where or how it will be exercised, is well calculated to lead it in collision with other companies already or hereafter to be formed, and as a precedent is exceedingly dangerous.

Again, the individual liability clause in this bill differs somewhat from that of the general law. Here it is confined to "debts due mechanics, workmen and laborers employed by said company," whilst the general law makes the stockholders individually liable for "all debts contracted for work and labor done, or materials furnished, for opening, improving and preparing lands for mining purposes, and all debts contracted by the corporation in their business of mining, selling and conveying to market the minerals on or in their said lands." It will be perceived that the personal liability provided for in this bill is much more limited than that of the general act. In my opinion, the law in this respect should be uniform.

My objections to the bill are: First—That it is unnecessary, so far as it relates simply to the business of mining and vending coal or other minerals. Second—That the powers proposed to be conferred, in addition to those enumerated in the general law, are such as ought not to be given to any corporation for any purpose whatever. Third—That this bill proposes to exempt the individual corporators from a portion of the liability imposed upon stockholders of all similar companies organized under the general law of the Commonwealth.

It is proper to add, that, in my opinion, applications



for special acts of incorporation for manufacturing or mining purposes, ought not to be encouraged. If the general law is defective, let it be carefully and properly amended. It will surely be conceded that such companies should be entitled to the privileges granted, and subject to the liabilities and restrictions imposed by uniform law.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act  
Entitled 'An Act to Legitimate Mary Allen.' "

Executive Chamber,  
Harrisburg, February 8, 1858.

Gentlemen:

**I** CANNOT APPROVE THE BILL, ENTITLED "A  
supplement to an act, entitled 'An Act to legiti-  
mate Mary Allen,' approved the 13th day of May,  
A. D. 1857."

The act to which the bill before me is a supplement, declares that Mary Allen, an illegitimate child of Thomas J. Allen, of Fayette county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and the bill now under consideration proposes to change the name from "Thomas J. Allen" to "Matthew Allen, deceased." In effect, this would be a legislative declaration that Mary Allen is the illegitimate daughter of Matthew Allen deceased, accompanied by a legislative enactment that she shall have and enjoy all the rights and privileges of a child born in lawful wedlock. I have not been able to discover any evidence of the alleged fact that Mary is an illegitimate daughter of Matthew Allen, deceased, except what may be inferred from the bill itself; and this directly contradicts the declaration contained in the act of the last Legislature, that Mary was the illegitimate daughter of Thomas J. Allen. But if there



was clear evidence that Mary is the illegitimate daughter of Matthew Allen, deceased, and that the name of Thomas J. Allen was inserted in the act of one thousand eight hundred and fifty-seven, by mistake, the bill is still liable to the serious objection, that the father's assent has never been procured to the declaration of legitimacy, and that, subsequent to his death, rights and privileges are attempted to be conferred upon one who had no legal claim to any part of his estate at the time of his decease. So far as this would interfere with vested rights, it would be clearly unconstitutional, and, therefore, not within the scope of legislative authority. Whether Matthew Allen died testate or intestate, his estate, whatever it may be, passed, upon his death, to his devisees or his heirs-at-law; and there is no power in the General Assembly to enlarge or lessen the number of either the heirs or devisees. The Legislature cannot take the property of one individual, with or without compensation, in order to give it to another. An act legitimating a child born out of lawful wedlock, passed upon the request and in the lifetime of its reputed father, is free from objection; but after the decease of such reputed father, and in the absence of any request on his part, it is, to say the least, very questionable, whether there should be legislative interference with the rights of his children, legitimate or illegitimate.

It may be that the object of this bill is a fair one, and that, with sufficient explanations, the objections might be removed; but such explanations have not been given, and upon its face it appears to be entirely wrong, and dangerous, as a precedent, if not clearly unconstitutional.

For these reasons I am constrained to return the bill without my approval, to the Senate, in which it originated.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Incorporate the Norris Cornish Engine Works of the Borough of Norristown."

Executive Chamber,  
Harrisburg, February 22, 1858.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO INCORPORATE the Norris Cornish engine works of the borough of Norristown," is herewith returned to the House of Representatives, in which it originated, without my approval.

This bill proposes to establish a company for the purpose of "making and manufacturing stationery and portable engines, mining apparatus, and such other machinery as generally appertains to a foundry and machine shop," with a capital of one hundred thousand dollars, and with power to increase the same to any sum not exceeding three hundred thousand dollars. The second section of the act of 1st of April, 1853, extends the provisions of the general manufacturing law of 1849 to companies formed "for the manufacture of articles from iron and other metals, or out of wood, iron and other metals." By this section, the organization of a company like the one contemplated in the present bill, is clearly authorized, and there is therefore no necessity for a special act of incorporation. The object of the bill is probably to obtain for the corporators powers and privileges not conferred by the general law; or to avoid liabilities and restrictions created and imposed by it. The principal points of difference between the two relate to the measure and extent of taxation, the individual liability of the stockholders, and the liability of the directors for declaring and paying dividends not actually earned. The act of 7th April, 1849, requires companies incorporated under it to pay to the Commonwealth, in five



equal annual instalments, one-half of one per centum upon the amount of the capital stock; and the act of the 20th of April, 1853, requires the same bonus to be paid upon any subsequent increase of capital. This bill proposes to limit the bonus to one-half of one per centum upon the capital paid in; and the act is to take effect when one thousand shares of fifty dollars each shall be subscribed, and ten per centum of each share paid in. Under the general law, the bonus to be paid could not be less than five hundred dollars, while, under this provision, it might not exceed twenty-five. The amount of difference is not sufficiently large to be of much moment, but the principle of equal taxation is of the first importance, and its maintenance one of the highest duties of government.

To declare and pay dividends, except from the actual profits, subjects, under the general law, the directors consenting thereto to a personal liability for all the existing debts of the company, as well as all subsequent debts contracted during their continuance in office; whilst the penalty imposed in the present bill is only personal liability to the corporation for the excess so declared and paid. The general provision is eminently just and proper, while the one proposed is entirely illusory and worthless.

But the most material difference is to be found in the personal liability of stockholders for the debts of the corporation. The proposition in this bill is to make the stockholders individually liable "for all debts due mechanics, workmen and laborers employed by said company," whilst the personal responsibility of stockholders in companies organized under the general law extends to debts due to "laborers employed by such companies, and for machinery, provisions, merchandize, country produce and materials furnished for said companies, respectively." The difference between the two is important. I can perceive no good



reason why a company organized for the manufacture of engines, mining apparatus and such other machinery as appertains to a foundry and machine shop, should be favored in this respect beyond other companies having like objects in view. With individuals and unincorporated associations, the profits of a business cannot be received and enjoyed without the corresponding risk of paying losses incurred; and it may admit of grave question whether incorporations should be established at all to engage in business in competition with individuals already employed therein, to which individual means and capital are adequate, without full and complete responsibility of the corporators for all obligations incurred by the company. But, certainly the stockholder liability in our mining and manufacturing laws is so moderate, reasonable and just, that no objection should be made to it, and no attempt to evade it by special acts should be permitted. The manufacture of engines and other machinery is within the bounds of individual enterprise, and, if the prospect of profit in such an undertaking induces the aggregation of capital and the formation of joint stock companies, let those who are to share the profits insure the farmer who sells the company his produce, the merchant who supplies it with goods, and the artizan or mechanic who furnishes materials or machinery, against the danger of ultimate loss.

In addition to the points already noticed, it may be observed that many wholesome restraints imposed by the manufacturing law and its supplements are not embraced within the provisions of this bill, and that the reservation it contains of a right in the Legislature to amend, alter or repeal the act, is in different terms from those of the constitutional provision on that subject.

I have thus stated my objections to particular features of the bill; but I deem this a proper occasion



to express, generally, my opposition to special acts of incorporation for purposes clearly embraced in the manufacturing law and its supplements. To avoid the necessity of special legislation (while extending to capital desirous of corporate investment large and liberal advantages), the act of 1849 was passed, and with similar objects it has since been extended to include nearly every species of business for the transaction of which associated capital is required. If the laws on this subject are imperfect, let them be improved by proper amendments. A resort to special legislation for particular cases will produce no improvement of one general system; but, on the contrary, will disfigure it, and introduce peculiar evils, rendering its amendment more difficult. It is scarcely necessary to enumerate all the objections to special legislation; but the occasion invites a brief reference to some of those which are most prominent. In the first place, when a bill is confined to a single locality, or is limited in its application to a particular company, it fails to receive, at the hands of the Legislature, that consideration which is given to a general bill, and which is requisite to give it an unobjectionable form. The result not unfrequently is, that powers are granted which should be withheld, and restrictions omitted which ought to be imposed. Again, as each corporation has a law of its own, there is neither uniformity nor equality in what is conferred, or in what is prohibited. Hence, that which one corporation can do with impunity, is expressly forbidden to another of the same character. Another evil grows out of the defective machinery provided for the practical operations of companies organized under special laws. Frequent occasion is thereby given for supplementary acts which fill our statute books although they are of no public interest, and occupy a large part of the time and attention of the General



**Assembly and the Executive.** It is a public grievance that so much of the time of the several departments of the government should be diverted from the performance of other important public duties, and consumed upon acts of this character.

While disclaiming hostility to proper legislation for incorporations, I am, nevertheless, free to say, that our main dependence for the success of our business interests must rest upon individual enterprise, rather than corporate action. That close and careful attention to the minute details of business, as well as that strict economy in its management, absolutely necessary to success, can only be insured when the motives that prompt are the hope of individual gain, and the fear of individual loss. Money cannot take care of itself, and all experience proves that the extent of capital invested in a corporate enterprise will not guard the institution from insolvency and ruin. My earnest desire is, that our plan of incorporating companies for business purposes shall be the one best calculated to advance the interests and well-being of the State; and one that, whilst it may afford a reasonable prospect of gain to the shareholder, will, at the same time, protect those who are strangers to the profits, from the necessity of contributing to the losses of the company. Such a plan can only be secured by a law general in its provisions, extending equally over the entire State, and applicable to every citizen desiring its advantages. I cannot, therefore, sanction special acts of incorporation for purposes already fully provided for by the general laws of the Commonwealth.

WM F PACKER.



To the Assembly Vetoing "An Act to Amend the Charter of the Penn Asylum for Indigent Widows and Single Women of the District of Kensington, in the County of Philadelphia."

Executive Chamber,  
Harrisburg, February 24, 1858.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO AMEND the charter of the Penn asylum for indigent widows and single women of the district of Kensington, in the county of Philadelphia." is herewith returned, without my approval, to the House of Representatives, in which it originated.

It is proposed by the bill under consideration to amend a charter granted on the 10th day of December, 1852, by the court of common pleas of the county of Philadelphia, in pursuance of the provisions of the act of 13th October, 1840. By reference to that act it will be found that full power is given to the court of common pleas of the county where the corporation is located, not only to grant charters for the purposes specified, but to alter or amend them whenever it is deemed necessary or expedient. It is, therefore, obvious that the tribunal which creates the corporation is the proper one to alter or amend its charter.

The only record of such charter is to be found in the recorder's office of the proper county, and there should also be found every subsequent alteration or amendment. It would lead to inextricable confusion if the practice should become general of amending by legislative enactments charters created by the Supreme Court or by the court of common pleas. Our system of incorporations is already sufficiently intricate and cumbersome. If this attempt to intermingle the action of the Legislature and the courts should prevail, the day is not far distant when no human industry will be able to master the subject.



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It may be that the bill before me is right in itself, and should become a law. If so, the judges of the court of common pleas of Philadelphia county, where the corporators reside, are entirely competent to decide correctly upon its merits, and may be safely trusted to do justice to all parties.

WM. F. PACKER.

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To the Assembly Vetoing a Bill, Entitled "An Act to Divide Cass Township, in the County of Schuylkill."

Executive Chamber,  
Harrisburg, Feb. 25, 1858.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO DIVIDE Cass township, in the county of Schuylkill," is herewith returned to the House of Representatives in which it originated, without my approval.

The first section of the bill under consideration provides that "Southern Cass township, in the county of Schuylkill, shall be divided into two election districts," and the second section defines the boundaries and fixes the places of holding the elections for each of the districts thus created. By the act of 20th April, 1854, the courts of quarter sessions are authorized, within their respective counties, to divide any borough, ward or township into two or more election districts, to alter the bounds of any election district, or to form an election district out of parts of two or more adjoining townships, so as to suit the convenience of the inhabitants thereof, and to fix the place of holding elections, and appoint the election officers to serve until others are duly elected according to existing laws.



The propriety of dividing a township into two or more election districts is a question of a purely local character, and the Legislature, by the foregoing enactment, has wisely provided a local tribunal for its decision. If it be proper to divide Cass township, as proposed by this bill, parties for and against such division can have a full and fair opportunity of being heard before the court of quarter sessions of the proper county, and that court, after a thorough investigation of the facts, may decree accordingly. The act of 1854 was passed to remove from the Legislature all such applications as the one now before us, and to send them to the courts in the immediate vicinity of the districts proposed to be divided, where they properly belong, and where they can be intelligently and impartially disposed of, according to the justice of each case.

I am, therefore, disposed to adhere to the policy of the general law, by refusing my assent to any special legislation upon the subject. It is true that the preamble to this bill recites that the spring election will precede the next session of the court in Schuylkill county; but that fact does not, in my opinion, afford a sufficient reason to justify a departure from the general rule. Cass township has already been divided into two election districts, and, although it may be convenient to have it further divided for election purposes, it is obvious that the delay for a single election will not work any very great injury to the citizens of the townships.

The duty of erecting new townships, and of establishing new election districts, is, in my opinion, wisely and properly lodged in the courts of quarter sessions of the several counties, and I can perceive no good reason for departing from the general law.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Vacate a Portion of Strawberry Lane in Breed's Plan, in the Reserve Tract Opposite Pittsburg, in Allegheny County."

Executive Chamber,  
Harrisburg, March 2, 1858.

Gentlemen:—

**I** RETURN HEREWITH TO THE SENATE, IN which it originated, without my approval, the bill, entitled "An Act to vacate a portion of Strawberry lane, in Breed's plan in the Reserve tract opposite Pittsburg, in Allegheny county."

The bill under consideration, in my opinion, presents a question for judicial rather than legislative action.

Important public and private rights and interests may be involved in its proper investigation and decision. To prevent injustice, and to give all parties a fair and full opportunity to be heard in such cases, the General Assembly, on the 8th day of May, A. D. 1854, passed an act to enable the courts to vacate lanes, alleys, roads and highways, when become useless. That act provides, "that whenever any private or public lane, alley, road or highway shall, by reason of forming town plots or otherwise, become useless to the public and those having lands bounding thereon, it shall be lawful for any twelve freeholders of the vicinity, to petition the court of quarter sessions of the proper county, setting forth such fact, and whether the same was laid out by the public or private owners, whereupon the said court shall grant a rule to show cause why such lane, alley, road or highway be not closed up and vacated, which rule shall be published in one or more newspapers for four weeks, twice a week in any city, and once a week in other parts of the State; and in the case of a private alley, lane or road, all persons having interests and rights



therein, who shall not be petitioners, shall have notice thereof in writing, duly served upon them; and upon hearing all parties interested, it shall be lawful for the court to decree the vacation of any such lane, alley, street or highway presently upon such hearing, or after such further delay as the said court may think necessary for the expression of the views of all parties desiring to be heard."

It will thus be seen that ample provision has been made by a general law for the accomplishment of the object which this bill has in view, if the lane in question is unnecessary or has become useless, and really ought to be vacated. Whether it should or should not be vacated can best be determined by the court of quarter sessions of Allegheny county, after a full hearing of all parties interested, upon notice given as the act requires. It is useless to pass general laws providing local tribunals for the hearing and determination of questions purely local in their character, unless such questions are submitted to the tribunals so created for decision. The power of the General Assembly to pass special laws for particular highways is not questioned, but I am very clear that the power ought not to be exercised. A safe, prompt and efficient system having been provided for removing any grievance which may exist by reason of the unnecessary continuance of a highway, the legislative duty is therefore fully performed, and the responsibility of applying the immediate remedy rests with the public functionaries to whose jurisdiction the matter has been committed. It is not pretended that the courts will not faithfully and impartially discharge their duty.

The vacation of the lane in question may be entirely free from objection—my only reason for withholding my approval is that I am opposed to special legislation for such a purpose. All bills for opening, va-



cating or regulating particular highways, for dividing townships, creating new election districts, and subjects of a like nature, are equally objectionable and cannot receive my sanction, unless there exists a pressing necessity which would justify a departure from the general rule. Abundant provision has been already made for all such cases by general laws, and to the proper courts having jurisdiction, I would refer them for adjudication. All interests can then be fairly represented, all parties fully heard, and such judgment pronounced as justice and right may demand.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Washington Infantry Company, of the City of Pittsburg."

Executive Chamber,  
Harrisburg, March 6, 1858.

Gentlemen:—

**I** AM CONSTRAINED TO WITHHOLD MY APPROVAL from the bill, entitled "An Act to incorporate the Washington Infantry company of the city of Pittsburg."

This bill proposes to create and declare certain persons, named therein, a body politic and corporate under the name, style and title of "Washington Infantry of the city of Pittsburg, with perpetual succession, with power to sue and be sued, to purchase and hold lands, goods and chattels, and the same from time to time to sell and dispose of: Provided, That the clear yearly value shall not exceed thirty-five hundred dollars per year; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the



government of the corporation, not being contrary to this charter or Constitution and laws of the United States or of this Commonwealth."

The object of the corporation, as set forth in the second section, is "the acquirement of military discipline for the general good."

My objection to the bill is, that it interferes with the unity and harmony of our militia system, which is now regulated and controlled by laws applicable to the entire volunteer force of the Commonwealth. If each company is authorized to make its own rules and regulations, it is not difficult to perceive that the uniformity, which is essentially necessary to the efficiency of the system, will soon be entirely destroyed. But, even if no evils were likely to grow out of the practice of incorporating volunteer companies, a sufficient reason for refraining therefrom may be found in the fact, that no necessity exists for the creation of bodies politic for the purpose of acquiring military discipline. The power to contract debts, to sue and be sued, to buy and sell lands, goods and chattels, will not, in my opinion, promote a military spirit or assist the citizen soldier in acquiring a knowledge of military tactics.

I am well satisfied that the public interests will be best promoted by adhering to the plan of governing and regulating the volunteer companies of our Commonwealth by general laws, and that those who associate themselves together for military discipline, shall compose companies, battalions, regiments, brigades and divisions, rather than bodies politic and corporate, created by special acts of Assembly. This policy never has been departed from, except in a single instance, so far as I have been able to discover, and that case dates back no further than the last session of the Legislature. The encouragement of these applications would tend to establish incorporated volunteer companies all over the State, with perpetual succes-



sion, calculated seriously to retard any improvement in the system, which time and experience may render necessary and proper. To grant chartered rights which may not be rescinded at pleasure, or to create companies which may not be dissolved by legislative enactment, is wholly at variance with our former policy, may produce insubordination to rightful authority, and can be productive of no good results.

For these reasons, I return the bill to the House of Representatives, in which it originated, without my approval.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Requiring the Pittsburg and Steubenville Railroad Company to Make an Arch or Trussel Work for the Passage of a Public Road in Washington County, and Making It Unlawful for Said Railroad Company to Change the Location of Said Public Road."

Executive Chamber,  
Harrisburg, March 8, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "An Act requiring the Pittsburg and Steubenville railroad company to make an arch or trussel work for the passage of a public road in Washington county, and making it unlawful for said railroad company to change the location of said public road."

The first and only section of the bill provides "that the Pittsburg and Steubenville railroad company shall make either an arch or trussel work for the passage of a public road under their railroad, where it crosses a public road leading from Burgettstown to Condor, on



the farm of John S. Russel, in Smith township, in the county of Washington, and it shall not be lawful for said railroad company to change the location of said road."

The twelfth section of the act regulating railroad companies, passed the 19th day of February, 1849, provides that whenever, in the construction of such road or roads, it shall be necessary to cross or intersect any established road, or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way as not to impede the passage or transportation of persons or property along the same." And the thirteenth section declares, 'that if any such railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be re-constructed forthwith, at their own proper expense, on the most favorable location and in as perfect a manner as the original road: Provided, 'That the damages incurred in changing the location of any road, authorized by this section, shall be ascertained and paid by such company, in the same manner as is provided for in regard to the location and construction of their own road."

The Pittsburg and Steubenville railroad company was incorporated under an act passed the 24th day of March, 1849, and made subject to all the provisions and restrictions of the general railroad law. The right to change the location of a public road when it becomes necessary, is expressly given to all railroad companies incorporated under the provisions of the act referred to, and it is at least questionable whether that right can be taken away without the assent of the corporation. I do not wish to be understood as denying the constitutional power of the General Assembly to change, alter and amend the act in reference to railroad companies, with or without the assent



of the companies incorporated under it, but I have serious doubts whether the Legislature may lawfully required a railroad company, organized under the general law, to make a particular crossing in a particular manner, or to prevent it from changing the location of a certain public road at a given point, when by the law creating the company it was authorized to change the site of any public road when it became necessary, provided that a new road was immediately constructed, at least equal to the old one, at the expense of the company, including all damages incurred by reason of the change. But, even conceding the constitutional power of the Legislature to pass the bill under consideration, I am clearly of the opinion that the power ought not to be exercised. If the railroad can be constructed so as to cross the public road at the point named, by a reasonable expenditure of money, without changing the location of the road, and not to impede the free use of the highway, then the necessity for the change does not exist, and by a proper application to a judicial tribunal the railroad company would be restrained from interfering with the route of the public road, and compelled so to cross it as "not to impede the passage or transportation of persons or property."

If, however, instead of adhering to the provisions of the general railroad law, special acts are to be passed directing how certain highways shall be crossed at given points, it is obvious that the uncertain tenure by which railroad companies will hold their chartered privileges, will not only be destructive to the interests of those now having large investments in such enterprises, but will tend, in no inconsiderable degree, to deter capitalists from embarking in those great public undertakings hereafter. While local and private interests should be carefully guarded, the action of government on the subject of those great thoroughfares



now so closely identified with the prosperity of the State, should be liberal and magnanimous. This bill, in my opinion, therefore, ought not to become a law. First, because it interferes with rights already granted; second, because of its special character; and Third, because it is unnecessary, as a sufficient remedy already exists for preventing the railroad companies from infringing upon public or private rights.

For these reasons I herewith return the bill to the House of Representatives, where it originated, without my approval.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Permitting August Mendelson, of Pottsville, to Peddle Within the County of Schuylkill."

Executive Chamber,  
Harrisburg, March 9, 1858.

Gentlemen:—

HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, the bill, entitled "An act permitting August Mendelson, of Pottsville, to peddle within the county of Schuylkill."

This bill provides "that upon the payment of the sum of twenty dollars, annually, into the treasury of Schuylkill county, for the use of the Commonwealth, by August Mendelson, of Pottsville, he is hereby permitted and allowed to peddle all kinds of goods, wares and merchandize, on foot or with one horse and wagon, within the county of Schuylkill."

On the 17th day of April, 1846, an act was passed which declares "that no person or persons shall sell or expose to sale, within the county of Schuylkill, as a hawker, peddler or traveling merchant, any foreign or



domestic goods, wares or merchandize, under the penalty of fifty dollars for each and every offence." By that act, the general law of the Commonwealth, relating to hawkers and peddlers, was rendered inoperative in Schuylkill county, and the proposition now is to make the special act inapplicable to a single individual, a Mr. August Mendelson. In effect, this would be to declare by law that generally certain persons may follow the occupation of hawkers and peddlers in the several counties of this Commonwealth, under certain terms and restrictions, but that in Schuylkill county, no person shall be permitted to engage in such occupation, except August Mendelson, who may do so for life, by complying with terms applicable to himself alone.

It is bad enough to take particular counties out of the operation of a general law, but it is still worse to make an individual exception in a special law. Should this bill become a law, August Mendelson would be the only man on earth that could lawfully act as a hawker, peddler or traveling merchant, and dispose of foreign or domestic goods, wares or merchandize, at retail, in the county of Schuylkill. Why he should enjoy a monopoly of this business, and all others equally deserving be excluded, I cannot perceive, and there is nothing on the face of the bill explanatory of its provisions. The individual named might not and probably would not do any great good, or any very serious injury, in exercising this exclusive privilege; but where is to be the end of all this, if it is once authorized? Is the General Assembly willing to undertake the task of issuing peddlers' licenses?

If a license be granted by the Legislature to one individual, we cannot hope to escape similar applications from other individuals, and if they are equally meritorious why should they not be allowed?

And thus, a great portion of the time and attention



of the several departments of the government will be devoted to a subject which can only be rightfully disposed of by proper local officers and under general laws.

In my judgment, the bill under consideration ought not to become a law; it is, therefore, for the reasons briefly stated, herewith returned, without my approval.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act Entitled 'An Act to Provide for an Additional Law Judge of the Court of Common Pleas, in the Sixth Judicial District.'"

Executive Chamber,  
Harrisburg, March 10, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "A supplement to an act, entitled 'An Act to provide for an additional law judge of the court of common pleas in the sixth judicial district,' approved the 17th day of April, A. D. 1856."

The first section declares, "That the additional law judge mentioned in and created by the act to which this is a supplement, shall, after the passage of this act, be styled the additional president judge, and shall be known and recognized as such in all judicial proceedings and in all official transactions; and shall have power to certify causes and issues for trial before any judge of an adjoining district as president judge, in like manner and for the same reasons as issues and causes may be certified by the other president judges of the several judicial districts of this Commonwealth, and generally shall have and exercise all



the powers, privileges and authority conferred on the said president judges by the existing laws of this Commonwealth."

Should this bill become a law, its effect would be a legislative enactment that there should be two president judges in the sixth judicial district. This is contrary to the uniform custom which has prevailed in this Commonwealth since the organization of the State government, and, as I conceive, contrary to the letter, as well as the spirit of our existing Constitution.

The first section of the fifth article of the Constitution declares that "The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court and the court of quarter sessions of the peace for each county, in justices of the peace and in such other courts as the Legislature may from time to time establish."

Although the Constitution nowhere declares, in express terms, that there shall be but one president judge of the several courts in the same judicial district, yet, in my opinion, a careful examination of the several sections in reference to the judiciary, will lead to the conclusion that the necessary implication arising from its express provisions is, that each district or circuit shall have but one president judge of its several courts.

The fifth section of article five declares that "The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of the oyer and terminer and general jail delivery, for the trial of capital and other offenders therein; any two of said judges, the president being one, shall be a quorum." And the ninth section of the same article is in the following words, viz:—"The president of the court in each circuit within such circuit, and the judges of the court of common pleas within their respective



counties, shall be justices of the peace, so far as relates to criminal matters."

It will be observed that in both these sections, the word president is used in the singular; and when it is remembered that at the time of the adoption of the Constitution it was the well established rule to have but one president judge for each district, it can scarcely be doubted that the intention of the Constitution was to conform to and provide for the continuance of that rule.

A construction of the Constitution which has been entirely consistent and uniform for a long period of time, is entitled to great consideration and ought not to be departed from, except when it is clearly wrong. I am satisfied that the practice heretofore followed of having but one president judge in each district, is the correct one—the best calculated to promote the efficiency of our judicial system, and in accordance with the provisions of the Constitution; and I am, therefore, unwilling to consent to the innovation proposed by the bill under consideration.

If it is necessary to confer additional powers upon the associate law judge of the sixth judicial district, it may be done without giving him the name of an additional president judge.

For the reasons herein stated, I return the bill to the Senate, where it originated, without my approval.

WM. F. PACKER.



To the Senate Nominating Joseph Eneu to be Recorder for the City of Philadelphia.

Executive Chamber,  
Harrisburg, March 11, 1858.

Gentlemen:—

**I DO HEREBY NOMINATE, FOR THE ADVICE**  
and consent of the Senate, Joseph Eneu, to be recorder for the city of Philadelphia, to supply the vacancy occasioned by the resignation of Robert M. Lee.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Extend to Walker Township, Huntingdon County, the Provisions of the Act to Authorize the School Directors of the Borough of West Pittsburg, Allegheny County, to Select Sites for School Houses, Passed the 11th day of April, 1856."

Executive Chamber,  
Harrisburg, March 12, 1858.

Gentlemen:—

**A BILL HAS BEEN PRESENTED FOR MY APPROVAL,** entitled "An Act to extend to Walker township, Huntingdon county, the provisions of the act to authorize the school directors of the borough of West Pittsburg, Allegheny county, to select sites for school houses, passed the 11th day of April, 1856."

By reference to the act extended by this bill to the school district of Walker township, in the county of Huntingdon, I find that it provides, that whenever the board of school directors of West Pittsburg shall be unable to procure such eligible points for the erection of school houses thereon as they may deem expedient



by agreement with the owners of land, they may enter upon and designate sufficient ground for the purpose, not exceeding, in any case, one-half of an acre, and may use and occupy the same for a school house, with its necessary or convenient appurtenances, provision being made in the act for the assessment and payment of damages to the land owner. In other words, power is given to the school directors to take private property against the assent of the owner, for the purpose of building a school house. If this bill should become a law, the school directors of Walker school district, in the county of Huntingdon, may enter upon any man's farm within the district without his consent, and mark off half an acre of ground, and erect thereon a house and other necessary and convenient appurtenances, and occupy the same for school purposes, without even first paying to the owner the value of the land, or giving to him security therefor; the only remedy being the assessment of damages by viewers, and the liability of the district for the payment of the same.

The exercise of the right of eminent domain, which is the right that a government possesses, of taking the property of its subjects for necessary public uses at a fair valuation, is one of the highest prerogatives of sovereignty, and ought never to be used except when necessary to the accomplishment of some great public good. This right, it is true, may be exercised by the government through the medium of corporate bodies or individuals, but only under the restrictions imposed by the fourth section of the seventh article of the Constitution, which provides that "the Legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefore, before such property shall be taken."



I cannot consent to give, even to public corporations, the power to take a man's land without obtaining his consent, except in cases where the necessity is clear and free from doubt, and I do not believe that such necessity exists in reference to land to be used for the building of houses for our common schools. No such power is given in our general law regulating common schools. On the contrary, when it was proposed to be conferred upon school directors generally throughout the Commonwealth, I find, by reference to the Senate Journal for 1854, that the proposition was defeated by a large vote. I am not aware that any serious inconvenience has arisen from requiring school directors to purchase lands whereon to erect school houses, instead of allowing them to take it when and where they please, with or without the consent of the owner; and I am entirely opposed to making exceptions to the general law of the State in favor of particular school districts.

The people of this Commonwealth are willing that their government should exercise all power which conduces to the happiness, and promotes the prosperity of the great body of its citizens, although it may work an individual hardship; but if the public weal does not require the sacrifice of individual interests, it is an act of tyranny upon the part of the government to interfere with individual property, or permit others to do so in its name.

Because I do not believe that the school directors of Walker school district should be permitted to take land to build school houses without first obtaining the owner's consent, I return this bill to the House of Representatives without my approval.

WM. F. PACKER.



To the Assembly Vetoing "An Act Authorizing Certain Supervisors to Lay and Collect a Tax to Complete the Pattonville and Woodberry Turnpike Road."

Executive Chamber,  
Harrisburg, March 15, 1858.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT MY APPROVAL, to the House of Representatives, in which it originated, a bill, entitled "An Act authorizing certain supervisors to lay and collect a tax to complete the Pattonville and Woodberry turnpike road."

The first section of the bill under consideration authorizes the supervisors of the townships of Middle Woodberry and South Woodberry, in the county of Bedford, to lay, assess and collect an additional tax, not exceeding four thousand dollars—Middle Woodberry raising twenty-two hundred dollars, at the rate of eleven hundred a year, and South Woodberry eighteen hundred, or nine hundred dollars a year.

The second section gives to the supervisors the power to complete the unfinished part of the Pattonville and Woodberry turnpike road.

The third section declares that the said turnpike road company shall have a fair commission for the collection of the tolls on two miles and three-quarters of the road thus completed by the townships, and shall pay the residue to the townships, in proportion to the amount of tax contributed by them, and makes it the duty of the townships, by their supervisors, to keep in repair that portion of the turnpike completed by the said townships out of the tolls received.

The fifth section provides for submitting the law to a vote of the qualified electors of the townships aforesaid, for acceptance or refusal.



The object of the bill is to enable the townships mentioned to raise money by a special tax and to apply it to the completion of the turnpike belonging to the Pattonville and Woodberry company. In my judgment, its provisions are in conflict with the seventh section of the eleventh article of the Constitution of Pennsylvania, adopted at the last general election, which declares that "the Legislature shall not authorize any county, city, borough, township or incorporated district, by virtue of a vote of its citizens, or otherwise, to become stockholders in any company, association or corporation, or to obtain money for or loan its credit to any corporation, association, institution or party."

The manifest intent of this most salutary constitutional enactment was to prevent municipal corporations from using, in any manner, their money or loaning their credit to any other corporation, for any purpose whatever. It matters not whether the subscription is made directly to the capital stock of a company, to be remunerated by dividends, or, as in the present instance, the money of the municipality is to be used for the construction of a particular part of a public improvement, and the whole net earnings of that part returned as a compensation, for, in either case, the money of the township is applied to carry out the purposes of another corporation. The township is, in fact, a shareholder, to the extent of its investment.

If a township can be authorized to tax its citizens to raise money for the completion of a turnpike, a county or a city may be lawfully empowered to use its funds or its credit to finish a railroad; and thus, by indirection, the inhibition contained in our organic law may be evaded and become a dead letter. I am not disposed so to construe the Constitution, but will give the amendment, adopted almost by general consent, such a construction as will meet the exigency



which gave rise to it. Believing this bill to be in violation of that amendment, it cannot receive my approval.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to An Act Making Front Street and Peach Tree Alley, in the Village of Halifax, Public Highways."

Executive Chamber,  
Harrisburg, March 16, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "A supplement to an act making Front street and Peach Tree alley, in the village of Halifax, public highways.

This bill provides, "that that portion of Peach Tree alley, in the village of Halifax, Dauphin county, extending from Front street to Water street, be opened so that its width shall be forty-four feet, and the additional width shall be made equally from each side of the alley."

I could only approve of this bill in case the court of quarter sessions of Dauphin county had no power to grant the desired relief, and even then the bill would be objectionable, as it makes no provision for the damages which may be sustained by reason of widening the alley in question. But it is clear that the court has full power to increase the width of the alley, and equally clear, in my opinion, that application should be made to the court and not to the Legislature. My views upon a similar question have already been expressed in a message which I had the honor to communicate to the General Assembly in returning, without my approval, the bill, entitled "An Act to vacate



a portion of Strawberry lane, in Breed's plan in the Reserve tract, opposite Pittsburg, Allegheny county." The first section of the act of 15th April, 1845, gives to the court of quarter sessions power to change or vacate any street or alley in any unincorporated village; and the second section of the same act provides a mode for assessing and paying the damages sustained by reason of such change or vacation. If Halifax is an unincorporated village, the power to change would probably include the power to alter the width; but, whether the village is incorporated or otherwise, the eighth section of the act of 8th May, 1850, gives the power to widen the alley in question to the court of quarter sessions, unless there is something in the borough charter (if any there be), inconsistent with that act. That section provides, "That in addition to the powers now given to the courts of quarter sessions by the act of 13th June, 1836, it may be lawful for them, on petition, under the same rules and restrictions regulating proceedings for laying out and vacating public roads, to grant the orders for widening all such roads as are now or hereafter may be laid out, reserving to those persons who may consider themselves damnified, the right of submitting their claims to a board of viewers, as is now provided in cases of laying out roads: Provided, That no road shall, in any case, exceed fifty feet in width."

It is true, that the word "roads" is used in this section, but it has been conclusively determined by the Supreme Court that the term "roads" includes streets and alleys, and that the general power to lay out and open roads given to the courts of quarter sessions, is applicable to an alley in an incorporated village, where no power is given to the borough authorities in the act of incorporation.

It necessarily follows from this that whether the village of Halifax is incorporated or otherwise, the



court of quarter sessions of Dauphin county has power to widen Peach Tree alley, unless the power is given to the borough authorities, if incorporated; and, in either case, there is no necessity for the passage of the bill under consideration. I therefore return it to the House of Representatives, where it originated, without my approval.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Directors of the Poor and House of Employment for the County of Washington."

Executive Chamber,  
Harrisburg, March 16, 1858.

Gentlemen:—

**I RETURN HEREWITH TO THE SENATE, IN**  
which it originated, without my approval, the bill,  
entitled "An Act relating to the directors of the  
poor and house of employment for the county of Wash-  
ington."

The first section of the bill provides, "That all claims now existing against the directors of the poor and house of employment for the county of Washington, shall be presented to the said directors for settlement and payment on or before the first Monday of October, A. D. 1858, and all claims hereafter arising against the said directors shall be presented for settlement and payment within one year from their respective dates; and on the failure of any creditor to comply with the provision aforesaid, he shall be forever barred from the recovery of his claim."

This section creates a very short statute of limitations, to be specially applied to demands against the directors of the poor for the county of Washington.



In my opinion, it is bad policy to interfere with the general rule of law established by our statute of limitations, which is now so universally understood, and so thoroughly incorporated into the business arrangements of the people, that to depart from it can hardly fail to work injuriously. But, if the very questionable necessity for a change of the statute of limitations, so far as regards claims against the directors of the poor of the county of Washington, be admitted, it is most manifest that the time fixed in this bill is altogether too limited. No existing claim is to be recoverable, unless it be presented on or before the first Monday of October next, a period of little more than six months. And it will be observed that no provision is made for notifying creditors of the passage of the act under consideration, other than the ordinary and usual publication of the laws which follows the adjournment of the Legislature. When it is borne in mind that the pamphlet laws do not reach all the counties until after the summer commences, and even then are placed in the hands of comparatively few of the citizens of the Commonwealth, it is easy to see that such a publication would be entirely inadequate to give early and general notice of the passage of the statute in question. Many a creditor might not and probably would not be informed that such a law was in existence, until he was forever barred from the recovery of his claim.

I am assured that nothing of the kind is intended by those at whose instance this bill has been presented; but, it is nevertheless wrong, in my judgment, to enact laws out of the usual course of legislation which may seriously affect the relation of debtor and creditor, based upon well known laws existing at the time of making the contract upon which the liability arises. Any change in the statute of limitations for personal actions should, in my opinion, be entirely prospective



in its character, so as in nowise to interfere with existing remedies for existing contracts. Retroactive laws are generally objectionable, and ought never to be resorted to, except where the mischief to be remedied is such that it cannot be reached in any other manner.

Believing that this bill, if permitted to become a law, would be productive of harm rather than good, and that, as a precedent, it should find no place on the statute book. I am in the discharge of a plain duty in withholding from it my approval.

WM. F. PACKER.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 19, 1858.

Senators:—

**I**N CONFORMITY WITH THE REQUIREMENTS of the fifth section of the act of the General Assembly, approved the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, I do hereby nominate, for the advice and consent of the Senate of Pennsylvania, George Dock, M. D., of the county of Dauphin, Hamilton Alricks, Esq., of the county of Dauphin, and A. W. Green, M. D., of the city of Philadelphia, to be trustees for the Pennsylvania State Lunatic Hospital, to serve for the period of three years, to compute from the seventh day of February last past.

WM. F. PACKER,  
Governor.



To the Assembly Vetoing "An Act to Vacate Certain Portions of Mantua and Story Streets, in the Twenty-fourth Ward, in the City of Philadelphia."

Executive Chamber,  
Harrisburg, March 26, 1858.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT MY APPROVAL, to the Senate, in which it originated, the bill, entitled "An Act to vacate certain portions of Mantua and Story streets, in the Twenty-fourth ward, in the city of Philadelphia."

The bill provides, "That so much of Mantua street as is laid down in the plan of the seventh division of the survey and regulations of the late district of West Philadelphia, between Elm street and Lancaster road, and also so much of Story street in the said plan as is laid down running from Union street into the said Mantua street at right angles thereto, be and the same is hereby repealed."

This bill is liable to the objections heretofore stated by the Executive in returning, without his approval, the bill, entitled "An Act to vacate a portion of Strawberry lane, in Breed's plan, in the Reserve tract opposite the city of Pittsburg," and repeated by him in returning, also without his approval, the bill, entitled "A supplement to an act making Front street and Peach Tree alley, in the village of Halifax, public highways."

The power to lay out, open, alter or vacate streets in the city of Philadelphia, has been expressly conferred upon her local tribunals, and in their action, after a full and fair investigation of the subject of complaint, all persons aggrieved may unquestionably find redress. Streets in the city of Philadelphia are doubtless laid out upon some general and regular plan, and it is almost impossible for the Legislature to interfere, by



ordering certain streets or parts of streets to be either opened or vacated, without disarranging the system of the local authorities, and thereby causing confusion in the action of the municipality and jeopardizing the rights and interests of the city, as well as those of citizens and property holders.

I cannot refrain from again expressing my well settled opinion, that the proper place to determine whether a particular street should or should not be opened, or kept open for public use, is in a court of justice, where all parties interested can be fully and fairly heard, and the case determined not upon partial or ex parte statements, but upon reliable and disinterested testimony, given under the solemnity of an oath.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Fleury Oil Company."

Executive Chamber.

Harrisburg, March 31, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "An Act to incorporate the Fleury Oil Company."

The bill proposes to incorporate a company for the purpose of manufacturing oil, paraffine, and other articles from bituminous coal and other hydro-carbons.

By the act passed the 30th day of January, 1856, the provisions of the general manufacturing law were extended "to corporations organized and established for the purpose of making and manufacturing oils, hydro-carbon fluids, and all other products resulting from subjecting coal of any kind to the action of heat, or the process of distillation in any manner whatsoever."



It will thus be seen that there is no necessity for a special act to incorporate the individuals named in the bill under consideration for the purposes proposed, ample provision having already been made by the general law of the Commonwealth for the incorporation of such companies. It is true that some of the provisions of the bill differ from those of the general manufacturing act, but if this were recognized as a sufficient reason for resorting to special legislation, it is obvious, that the policy which looks to general and uniform provisions, for corporations of similar character, would be disregarded and rendered inoperative, for, in every case, the special enactment could readily be made to vary from the general law.

In returning to the Legislature, without my approval, the bill, entitled "An Act to incorporate the Norris Cornish engine works of the borough of Norristown," I gave the reasons, somewhat at length, which impel me to withhold my approval from bills of this character. Time and reflection have but confirmed my convictions of duty, and I am therefore not disposed to depart from the line of Executive action heretofore indicated. Accordingly, I herewith return the bill to the Senate, where it originated, without my approval.

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To the Assembly Vetoing "An Act to Incorporate the Brady's Bend Iron Company."

Executive Chamber,  
Harrisburg, April 1, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR APPROVAL, entitled "An Act to incorporate the Brady's Bend iron company."

After a careful examination of this bill, I am en-



tirely satisfied that it is subject to the same objections which have impelled me heretofore to return bills of a similar character without the Executive approval. Many of the provisions of the bill under consideration are, in my opinion, objectionable in themselves, without reference to the special character of the proposed enactment, such as those regulating the mode and ratio of voting by the stockholders; limiting the individual liability of the shareholders, and restricting the penalty imposed upon directors for consenting to the payment of dividends not actually earned. In all these respects, the provisions of the general manufacturing law are just and proper, and should not be departed from. But, aside from these objectionable features, a sufficient reason for refusing my approval of the bill, is to be found in the fact that it proposes to incorporate a company for manufacturing iron and mining coal, under regulations and restrictions applicable alone to this particular corporation. I cannot sanction any special act granting corporate powers for such purposes, embraced, as they are, explicitly in the general manufacturing law; but if that law requires amendment, I will cheerfully unite with the other branches of the law-making power, in extending or regulating its provisions, so as to make it acceptable to those desirous of investing their capital in manufacturing and mining operations in this Commonwealth, and at the same time protect the public interests. I cannot perceive the justice of propriety of conferring upon one corporation, by a special charter, privileges and advantages which are denied to all similar companies organized and transacting business under the general laws. Having already called the attention of the Legislature to the evils which, in my judgment, are inseparably connected with special or class legislation, it is therefore unnecessary to again repeat in detail the reasons



which forbid the Executive approval of bills similar to the one now under consideration.

The association heretofore existing under articles of co-partnership known as the "Brady's Bend iron company," and which it is now proposed to create a body politic, under the same name, has heretofore sustained a high character in its business operations, and aided in no inconsiderable degree to establish the feasibility of manufacturing, at a profit, within her borders, one of the great staples of our Commonwealth. It is certainly entitled to the favorable consideration of the constituted authorities of the State, but I cannot consent to relieve it from restrictions, and confer upon it powers and privileges which are denied to all similar associations in other parts of the State.

With no show of reason or fairness could the Executive sanction be given to an iron manufacturing corporation in the western, and withheld from one of like character in the middle, northern or eastern section of the State; and however favorably disposed to aid any given project, simple justice demands that the rule which has heretofore governed the Executive action in similar cases, should not now be departed from. I am therefore constrained to return the bill to the House of Representatives, in which it originated, without my approval.

WM. F. PACKER.



To the Assembly Vetoing "A Supplement to an Act to Incorporate the Fayette County Railroad Company."

Executive Chamber,  
Harrisburg, April 9, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "Supplement to an act to incorporate the Fayette County railroad company."

The first section of the bill declares, "That the proviso in the first section of the act, entitled 'An Act regulating railroad companies,' approved the 19th day of February, A. D. 1849, shall not be applicable to the act to which this is a supplement, entitled 'An Act to incorporate the Fayette County railroad company,' and all subscriptions heretofore made or hereafter to be made, shall, notwithstanding said proviso, be valid and binding."

The provision in the general railroad law, which it is attempted by this bill to repeal, so far as it relates to the Fayette County railroad company, is, in my opinion, most salutary and beneficial. The terms of it are, "That no subscription for such stock shall be valid, unless the party or parties making the same shall, at the time of subscribing, pay to the said commissioners five dollars on each and every share subscribed, for the use of the company." This payment accompanying the subscription, is the evidence that the subscription is made in good faith, and serves likewise as an inducement to the payment of future instalments when required. It acts as a restraint upon improvident subscriptions, and tends to prevent imposition upon persons who subsequently subscribe upon the faith of subscriptions already made. The certificate of the commissioners that ten per cent. of the capital stock has been subscribed, and five dol-



lars on each and every share actually paid, is made a condition precedent to the issuing of letters patent; and until this certificate is made the company can have no legal existence as a corporation or body politic. The proposition contained in the bill under consideration to permit subscriptions to be made to the capital stock of the Fayette County railroad company, without any sum being paid in hand, is contrary to the general policy of the State, and is, in itself, clearly objectionable.

But the worst feature in this bill is, that it attempts to create liabilities on the part of subscribers to the capital stock of the company, by repealing the law which was in existence at the time the subscriptions were made.

The act of 19th February, A. D. 1849, expressly declares that no subscription shall be valid unless five dollars on each share is paid at the time of making the subscription; and consequently, where the payment is not made the contract is incomplete and no liability is created, either upon the company to furnish the stock upon payment of the sum subscribed, or upon the individual subscribing, to make good his subscription. It has been repeatedly decided by the highest judicial tribunal of the Commonwealth, that no recovery could be had upon a subscription to the capital stock of a railroad company made to commissioners before the company was organized, unless the first instalment of five dollars was paid on each share at the time of subscribing. The rule is otherwise where the subscription is made after the organization of the company; for then it may waive the first payment, and receive the subscription upon an agreement to pay the sum subscribed at such times as may be agreed upon.

The bill presented for my approval declares that all subscriptions heretofore made shall be valid and bind-



ing, although nothing was paid at the time of subscribing. Now, so far as this refers to subscriptions made after letters patent were issued to this corporations, it is of no effect, for such subscriptions are valid and binding, under the existing law; but as to the subscriptions made before letters patent were issued, it is more than doubtful whether the General Assembly can lawfully give them validity.

The power to impair a contract is expressly prohibited by the Constitution, and as the right to create one between non-assenting parties did not pass to the General Assembly under the general grant of legislative power, it cannot therefore, be legally exercised, although not in terms forbidden. The payment of five dollars on each share of stock subscribed to the Fayette County railroad, before letters patent were issued, was necessary to the making of a valid subscription. Where this was not done there was no contract binding upon either party; and any attempt upon the part of the Legislature to decree a contract between parties capable in law of making their own must necessarily prove abortive.

For these reasons, I am induced to withhold my approval from the bill under consideration, and herewith return it to the House of Representatives, where it originated.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Courts of Lancaster County."

Executive Chamber,  
Harrisburg, April 12, 1858.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, the bill, entitled "An Act relative to the courts of Lancaster county."

My objection to this bill is, that it proposes to em



lars on each and every share actually paid, is made a condition precedent to the issuing of letters patent; and until this certificate is made the company can have no legal existence as a corporation or body politic. The proposition contained in the bill under consideration to permit subscriptions to be made to the capital stock of the Fayette County railroad company, without any sum being paid in hand, is contrary to the general policy of the State, and is, in itself, clearly objectionable.

But the worst feature in this bill is, that it attempts to create liabilities on the part of subscribers to the capital stock of the company, by repealing the law which was in existence at the time the subscriptions were made.

The act of 19th February, A. D. 1849, expressly declares that no subscription shall be valid unless five dollars on each share is paid at the time of making the subscription; and consequently, where the payment is not made the contract is incomplete and no liability is created, either upon the company to furnish the stock upon payment of the sum subscribed, or upon the individual subscribing, to make good his subscription. It has been repeatedly decided by the highest judicial tribunal of the Commonwealth, that no recovery could be had upon a subscription to the capital stock of a railroad company made to commissioners before the company was organized, unless the first instalment of five dollars was paid on each share at the time of subscribing. The rule is otherwise where the subscription is made after the organization of the company; for then it may waive the first payment, and receive the subscription upon an agreement to pay the sum subscribed at such times as may be agreed upon.

The bill presented for my approval declares that all subscriptions heretofore made shall be valid and bind-



ing, although nothing was paid at the time of subscribing. Now, so far as this refers to subscriptions made after letters patent were issued to this corporations, it is of no effect, for such subscriptions are valid and binding, under the existing law; but as to the subscriptions made before letters patent were issued, it is more than doubtful whether the General Assembly can lawfully give them validity.

The power to impair a contract is expressly prohibited by the Constitution, and as the right to create one between non-assenting parties did not pass to the General Assembly under the general grant of legislative power, it cannot therefore, be legally exercised, although not in terms forbidden. The payment of five dollars on each share of stock subscribed to the Fayette County railroad, before letters patent were issued, was necessary to the making of a valid subscription. Where this was not done there was no contract binding upon either party; and any attempt upon the part of the Legislature to decree a contract between parties capable in law of making their own must necessarily prove abortive.

For these reasons, I am induced to withhold my approval from the bill under consideration, and herewith return it to the House of Representatives, where it originated.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Courts of Lancaster County."

Executive Chamber,  
Harrisburg, April 12, 1858.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, the bill, entitled "An Act relative to the courts of Lancaster county."

My objection to this bill is, that it proposes to em



power two of the associate judges of Lancaster county, one of them being learned in the law, to hold courts of oyer and terminer and general jail delivery in the county of Lancaster, for the trial of all indictments in said court, and authorizes the court so constituted to pass sentences upon all persons convicted of the commission of any crime in the aforesaid court of oyer and terminer and general jail delivery.

I cannot reconcile the provisions of this bill with the fifth section of the fifth article of the Constitution of Pennsylvania, which declares that "The judges of the court of common pleas, in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein; any two of the said judges, the president being one, shall be a quorum."

The organic law having expressly provided the manner in which the court of oyer and terminer shall be organized, when held by the judges of the court of common pleas, it is submitted that it is not within the power of the Legislature to provide a different organization from that directed by the Constitution. The constitutional quorum being two of the judges of the court of common pleas, "the president judge being one," the Legislature cannot say that any two of the judges may hold the court of oyer and terminer, without utterly disregarding both the letter and the spirit of the Constitution. The requirements of the section referred to are in the plainest possible language, and leave no room for any other construction than that which arises from the unmistakable meaning of the words used; and unless there is to be found in other parts of the Constitution some limitation or change of this provision, it is clear that it forbids the exercise of the power proposed by this bill. There is nothing in the Constitution which has the remotest bearing on the question under consideration, except



what is contained in the first and third sections of the fifty article, and the provision in the fifth section of the same article, already quoted.

The first section declares that "The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the Legislature may from time to time establish." And the third section provides, that "until otherwise directed by law, the courts of common pleas shall continue as at present established."

It is difficult to conceive how the power to alter the structure of the court of oyer and terminer can be derived from that given to the Legislature to establish other courts than those enumerated in the first section of the fifth article. This is a distinct power, having no reference whatever to the court of oyer and terminer and general jail delivery, which court is definitely fixed by the Constitution, and is therefore not dependent upon legislative action for its existence. The "other courts," which the Legislature may or may not establish, are exclusive of those particularly mentioned in the section. Nor can the power claimed to be deduced from the right to change the formation of the court of common pleas. In the one case, the courts are to remain as then established, until otherwise directed by law; in the other, the mandate is imperative, applicable to the future as well as the present—that the president judge of the court of common pleas shall be one of the two judges necessary to make a constitutional quorum for holding the court of oyer and terminer and general jail delivery. The two provisions, taken together, amount



to this:—The court of common pleas, as at present established, may be changed by law; but, however organized, it shall have a president judge, who, together with one of the associates, shall form a quorum for the court of oyer and terminer and general jail delivery.

The jurisdiction of the several courts depends very much upon the action of the Legislature; and it may be altered, limited and extended, except in those cases in which it is in terms given by the Constitution, and in such cases it cannot be abrogated or abridged.

That one of the associate judges of Lancaster county is a law judge, does not, in my judgment, in any respect, vary the case, for no law judge, except the president of the court of common pleas, will answer the requirement of the Constitution. And, if the Legislature may lawfully dispense with the presence of the president, it may also provide that one judge, learned in the law, or otherwise, may hold a court of oyer and terminer and general jail delivery, for the trial of capital or other offences, as the provisions that there shall be at least two judges present, is not more binding than that which requires one of the two to be the president of the court of common pleas.

I am aware that the views herein expressed may be considered somewhat in conflict with the decision of the Supreme Court of the State, made in the case of the Commonwealth vs. Zephon; but it must be remembered that the rule of construction in our judicial tribunals in determining the constitutionality of an act of Assembly, differs essentially from that which should be applied by the Legislative or Executive branch of the government. It is the duty of the law-making departments to give the Constitution a strict construction, and to avoid the exercise of doubtful powers. Courts of justice, on the contrary, will never declare an act of Assembly unconstitutional, if it can,



by any rational deduction, be reconciled with the fundamental law. Where a doubt exists, that doubt is solved in favor of the validity of the act, upon the presumption that the Legislature, a co-ordinate branch of the government, has judged correctly of its own constitutional powers. But a well-founded doubt whether a proposed enactment is not forbidden by the Constitution, is a sufficient reason for restraining the action of the Legislature. Doubtful powers can never be safely exercised, and consequently, no law should be enacted by the General Assembly which is not clearly within the pale of the Constitution. The same rule enjoins the judiciary, in the discharge of its duties, to refrain from entrenching on the powers of the legislative department of the government.

A firm adherence to these rules of construction will insure the fundamental law of the State against infraction from any quarter, and will thus protect our people in the full enjoyment of those invaluable privileges secured to them from legislative or judicial interference, by that law which emanated directly from themselves, and was adopted and sanctioned by their own immediate voices.

Believing the bill under consideration to be clearly unconstitutional, it cannot receive my approval, and is therefore returned to that branch of the Legislature in which it originated, for re-consideration.

WM. F. PACKER.



To the Assembly with Regard to Appraisers upon  
Damages Due to the Sale of the Main Line of the  
Pennsylvania Canal.

Executive Chamber,  
Harrisburg, April 16, 1858.

Gentlemen:—

**I HERewith TRANSMIT THE REPORT OF THE**  
appraisers appointed in pursuance of an act of  
the General Assembly, passed the 19th day of  
March, 1858, entitled "An Act to authorize the ap-  
pointment of appraisers to assess and report the dam-  
ages sustained by transporters and others, by rea-  
son of the sale of the main line of the Pennsylvania  
canal."

It will be seen by the letter of William B. Foster,  
Esq., vice president of the Pennsylvania railroad com-  
pany, also herewith transmitted, that said company  
declined to avail itself of the privilege of appointing  
one of the appraisers, as provided by the act referred  
to, and waived the required notice of the time and  
place at which appraisers would be appointed. It  
therefore became the duty of the Governor to appoint  
both of the appraisers authorized by the law, and com-  
missions were accordingly issued to J. Barlow Moor-  
head, of Philadelphia, and Amos E. Kapp, of Northum-  
berland, by whom the third appraiser, George C. Babb,  
of Pittsburg, was chosen. The board thus constituted  
having discharged the duties committed to them, and  
placed in my hands their report, it is herewith sub-  
mitted to the Legislature.

WM. F. PACKER.

ACCOMPANYING DOCUMENT.

Harrisburg, March 20, 1858.

His Excellency Wm. F. Packer, Governor of Pennsylvania:

Dear Sir—I have examined an act of Assembly, entitled "An  
Act to authorize the appointment of appraisers to assess and



report the damages sustained by transporters and others, by reason of the sale of the main line of the Pennsylvania canal," and not deeming the Pennsylvania railroad company liable in any way for any damages to transporters or others, in consequence of the sale of said main line, do on behalf of said company decline to appoint an appraiser, as it is permitted said company to do, by the terms of said act, and also waive the notice required by the proviso to the first section of said act.

Very respectfully,

Your obedient servant,

WM. B. FOSTER, Jr.,

Vice President.

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To the Assembly Vetoing "An Act Relative to Sheriff's Sales."

Executive Chamber,  
Harrisburg, April 17, 1858.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "An Act relative to sheriff's sales."

This bill proposes to make all sales of real estate heretofore made by any sheriff of the Commonwealth, upon writs of fieri facias after the return day thereof, valid and sufficient to pass the title, provided inquisition was waived and actual peaceable possession hath been had of the estate sold, under the sale, for a period of five years.

This cannot, in my opinion, be done, unless one man's property may be taken from him without due course of law, without his consent, without compensation, and given to another man by a legislative declaration that it shall thus be taken and bestowed.

Anterior to the passage of the act of the sixteenth day of April, A. D. 1845, sheriff sales of real estate



made upon writs of fieri facias, after the return day of the writ, were void and of no effect for want of authority in the officer to make the sale. After the pretended sale, the title remained in the defendant in the execution precisely in the same manner as before it was levied upon, and not being divested by the judicial proceeding, it cannot be taken away by a legislative enactment.

The question is not a new one, and is free from doubt or difficulty. By the forty-fifth section of the act of sixteenth of June, A. D. 1836, sheriffs' sales of real estate upon a writ of fieri facias, were authorized to be made upon a waiver of inquisition before the return day of the writ.

In July, A. D. 1841, the Supreme Court of the State decided that a sale made upon a writ of fieri facias, after the return day, was unauthorized and void; not merely voidable, but utterly void, and of no greater force than though made without judgment or execution.

On the sixteenth day of April, A. D. 1845, the General Assembly passed an act, entitled "An act concerning sheriff's and coroners' sales, and for other purposes." The first section of this act provided: "That all sales of real property within this Commonwealth, made since the passage of the act to which this is a supplement, by sheriffs or coroners, after the return day of their several writs of levam facias, fieri facias, venditioni exponas, or other writ of execution, shall not on account of such irregularity in such proceeding, be set aside, invalidated or in any manner affected; and such sales, so made, shall be held as good and valid to all intents and purposes, as if such sales had been made on or before the return day of such writs respectively; but this section shall not affect any sale heretofore adjudged to be illegal by any court."



The second section declares: "That after the first day of July next, all sales of real estate by sheriffs and coroners, shall be made on or before the return day of the writs respectively, or within six days thereafter."

In September, A. D. 1848, the question again came before the Supreme Court in a case where a sale was made upon a writ of fieri facias, after its return day, and the former decision that the sale was void, was re-affirmed, and the act of Assembly by which it was attempted to validate the sale, was solemnly declared to be unconstitutional; because the Legislature could not take one man's property and give it to another without consent and without compensation.

The only point of difference between the act of the 16th April, A. D. 1845, thus declared unconstitutional, and the bill under consideration, is, that the latter attempts to make good titles derived from a sale on a fieri facias, after its return day, where the possession has followed the sale for a period of five years, whilst the former act declared that the sales should be held good and valid without reference to the question of possession. But this difference is not a material one, for every one is aware that five years possession of land, held under a sheriff's sale, can in nowise vest the title in the purchaser, if it did not pass to him in virtue of the sale and conveyance by the sheriff. That the Legislature may make a short statute of limitations for the future, is unquestionable, but it cannot take away a man's property, or his right to recover the possession of it, simply because he has remained out of possession for a period of five years. And if the power existed, it should not be exercised, for not unfrequently delay in enforcing one's right to the possession of land, arises either from the minority, disability or inability, of the party claimant. It would be but a sorry reason to give to a minor or married woman, for



taking away the right of either to sue, that no suit had been brought for five years of the minority or coverture. All sheriff's sales made on a writ of fieri facias, after its return day, before the first day of July, A. D. 1845, were not only irregular, but absolutely void, and all made since that time, are void unless made on or before the return day of the writ, or within six days thereafter. In either case, where the sale was void, it left the title where the levy found it, and it is not within the province of the Legislature, to declare that it nevertheless passed to the purchaser.

Entertaining the opinion, therefore, that the provisions of this bill cannot be constitutionally enacted into a law, I am constrained to withhold from it the Executive approval, and herewith return it to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Purchasers of the Chambersburg, Greencastle and Hagerstown Railroad, in the County of Franklin."

Executive Chamber,  
Harrisburg, April 19, 1858.

Gentlemen:—

**I** AM CONSTRAINED TO WITHHOLD MY APPROVAL from the bill, entitled "An Act relating to the purchasers of the Chambersburg, Greencastle and Hagerstown railroad, in the county of Franklin."

This bill, after conferring upon the purchasers of the Chambersburg, Greencastle and Hagerstown railroad the power to execute a mortgage upon the railroad and its franchises, for the sum of two hundred thousand dollars, to secure the payment of bonds to that amount, to be hereafter sold, declares that "the mort-



gage and bonds thus executed shall be the first lien on said railroad; said bonds and mortgage shall be payable at such times as may be agreed upon by the parties, and said mortgage and bonds shall be good against any parties that may hold said railroad."

If the purchasers of the railroad in question, from the Commonwealth, took by their purchase a good title, of which I have no reason to doubt, and have not hitherto incumbered the property, that part of the bill which provides that the mortgage shall be good and shall be the first lien, is unnecessary, for such would be its legal effect. But if the title did not pass by the sale, or if other valid incumbrances have been or shall hereafter be created before the execution of the mortgage herein authorized, a legislative declaration that the mortgage should be valid and have priority of lien, would be powerless and inoperative, for otherwise it would interfere with the vested rights of the legal owner or the first lien creditor.

I do not believe that the legislative intent was to guarantee to the persons who should purchase the bonds to be issued upon this mortgage loan, the validity of the title or the priority of the lien, as that would be in violation of the fifth section of the eleventh article of the Constitution of Pennsylvania, but it is by no means clear that persons loaning money on the faith of this act, should it become a law, might not be misled by its terms; and, in that event, would they not have at least an equitable claim upon the Commonwealth to make good its pledge that the mortgage should be the first lien upon the railroad and its franchises, in whose hands soever they might be found?

Suppose an individual, looking only to the letter of the statute, should thereby be induced to purchase the mortgage bonds therein authorized to be issued, and it should subsequently be determined by our judi-



cial tribunals that the mortgages, for any reason, was not in law the first lien, would there not be well founded grounds of complaint, and at least plausibility in the claim to indemnify for the loss of the promised security? Whether the Commonwealth would, in such a contingency, admit the justice of the claim or not, it is very clear that her constituted authorities are bound to see that no one is misled or deceived by their official action.

Believing, therefore, that if the title of the purchasers is good and the property unincumbered, the bill under consideration is unnecessary; or, if the title is not good or the railroad incumbered, that the bill is delusive in its character, unless the intention is to pledge the credit of the State for the validity of the mortgage, and in that even, that it is unconstitutional, I herewith return it to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Consolidate the Office of Register of Wills and Clerk of the Orphans' Court, in Luzerne County."

Executive Chamber,  
Harrisburg, April 20, 1858.

Gentlemen:—

**T**HE ACT, ENTITLED "AN ACT TO CONSOLIDATE the offices of register of wills and clerk of orphans' court in Luzerne county," is herewith returned to the House of Representatives, in which it originated, without the Executive approval; and, in accordance with the requirements of the Constitution, I proceed to state the objections which, in my opinion, ought to preclude its passage by the Legislature.



The bill under consideration provides, that "when the term of office of the present clerk of the courts in and for the county of Luzerne shall expire, the office of the clerk of orphans' court shall be held and enjoyed by the present register of wills until the term of the said register of wills shall end, and thereafter one person shall be elected triennially, who shall be styled register of wills and clerk of the orphans' court, and enjoy all the emoluments of the said offices, and discharge the duties pertaining to each."

By reference to the public records in this department, I find that the term of office of the present clerk of the orphans' court of Luzerne county will expire on the first day of December, A. D. 1860. The effect, therefore, of the proposed enactment would be, if it became a law, to prevent the people of Luzerne county from electing a clerk of the orphans' court on the second Tuesday of October next, and to confer that office, by appointment of the Legislature, for the term of two years, upon the gentleman who shall in the meantime hold the office of register of wills. Can this be done without violating the provisions of the Constitution of Pennsylvania?

The third section of the sixth article of the Constitution declares, that "Prothonotaries of the Supreme Court shall be appointed by the said court for the term of three years, if they shall so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds and registers of wills shall, at the times and places of election of Representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold office for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The



cial tribunals that the mortgages, for any reason, was not in law the first lien, would there not be well founded grounds of complaint, and at least plausibility in the claim to indemnify for the loss of the promised security? Whether the Commonwealth would, in such a contingency, admit the justice of the claim or not, it is very clear that her constituted authorities are bound to see that no one is misled or deceived by their official action.

Believing, therefore, that if the title of the purchasers is good and the property unincumbered, the bill under consideration is unnecessary; or, if the title is not good or the railroad incumbered, that the bill is delusive in its character, unless the intention is to pledge the credit of the State for the validity of the mortgage, and in that even, that it is unconstitutional, I herewith return it to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Consolidate the Office of Register of Wills and Clerk of the Orphans' Court, in Luzerne County."

Executive Chamber,  
Harrisburg, April 20, 1858.

Gentlemen:—

**T**HE ACT, ENTITLED "AN ACT TO CONSOLIDATE the offices of register of wills and clerk of orphans' court in Luzerne county," is herewith returned to the House of Representatives, in which it originated, without the Executive approval; and, in accordance with the requirements of the Constitution, I proceed to state the objections which, in my opinion, ought to preclude its passage by the Legislature.



The bill under consideration provides, that "when the term of office of the present clerk of the courts in and for the county of Luzerne shall expire, the office of the clerk of orphans' court shall be held and enjoyed by the present register of wills until the term of the said register of wills shall end, and thereafter one person shall be elected triennially, who shall be styled register of wills and clerk of the orphans' court, and enjoy all the emoluments of the said offices, and discharge the duties pertaining to each."

By reference to the public records in this department, I find that the term of office of the present clerk of the orphans' court of Luzerne county will expire on the first day of December, A. D. 1860. The effect, therefore, of the proposed enactment would be, if it became a law, to prevent the people of Luzerne county from electing a clerk of the orphans' court on the second Tuesday of October next, and to confer that office, by appointment of the Legislature, for the term of two years, upon the gentleman who shall in the meantime hold the office of register of wills. Can this be done without violating the provisions of the Constitution of Pennsylvania?

The third section of the sixth article of the Constitution declares, that "Prothonotaries of the Supreme Court shall be appointed by the said court for the term of three years, if they shall so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds and registers of wills shall, at the times and places of election of Representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold office for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The



Legislature shall provide by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments, to be made by the Governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid."

The eighth section of the same article of the Constitution provides, that "all officers whose election or appointment is not provided for in this Constitution, shall be elected or appointed as shall be directed by law; but, as the office of the clerk of the orphans' court is expressly provided for in the third section of that instrument, it will not be pretended that the eighth section confers any power on the Legislature to change the mode of appointing that officer.

It is true, the Legislature may provide by law the number of persons in each county who shall hold the offices of prothonotary, clerk of the several courts, recorder of deeds and register of wills, and how many and which of said offices shall be held by one person; but the Constitution, so far from conferring on the General Assembly the power of appointment, expressly commands that those officers shall be elected by the qualified voters of each county, to serve for the term of three years, and until their successors are duly qualified; and, if vacancies occur, such vacancies shall be filled by appointments, to be made by the Governor. It is respectfully submitted, therefore, that, under no circumstances whatever, can the Legislature constitutionally appoint a clerk of the orphans' court for any county, whether it be for a full or for a part of a term. Nor can the offices of clerk of the orphans' court and register of wills be consolidated by the Legislature, and the duties of those offices conferred upon a single individual, in the absence of an election by the people



or an appointment by the Governor. Should the terms of those offices, from death resignation or any other cause, expire at the same period, the Legislature may direct that they shall thereafter be consolidated and filled by one person; but that person can only be selected by the qualified electors or by the Governor, according to the requirements of the Constitution.

Should the bill before me become a law, it would moreover be rendered inoperative and nugatory by that provision of the Constitution which declares that the clerk of the orphans' court, when properly elected and commissioned, shall hold his office until his successor shall be duly qualified. As there exists no power to duly qualify a successor in any other manner than that pointed out by the Constitution, it follows, as a necessary consequence, that, if the people were to comply with the provisions of this bill, and fail to elect a successor at the next general election, the present incumbent would continue to be the legal clerk of the orphans' court of Luzerne county, and no vacancy would exist which could, by any possibility, be filled by the Legislature. The existing clerk will hold his office until his successor shall be duly elected by the qualified citizens and commissioned by the Governor, and it is not in the power of the General Assembly to make it otherwise.

The Executive is, therefore, in the performance of an imperative duty, in returning this bill to the House of Representatives for reconsideration.

WM. F. PACKER.



To the Senate Nominating Commissioners for the  
Revision of the Penal Code.

Executive Chamber,  
Harrisburg, April 20, 1858.

Senators:—

**I**N CONFORMITY WITH THE REQUIREMENTS  
of "Resolutions relative to a revised penal code  
of Pennsylvania," approved the 19th instant, I  
do hereby nominate for the advice and consent of the  
Senate, Ellis Lewis, of the city of Philadelphia, Charles  
R. Buckalew, of the county of Columbia, and John C.  
Knox, of the city of Philadelphia, "as commissioners  
to revise, collate and digest all the acts and statutes  
relating to or touching the penal laws of the Com-  
monwealth," and to "report to the Legislature bills  
relating to corporations and their taxation."

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relative to a  
Public Road Leading Through the Farm of James  
Miles, in Erie County."

Executive Chamber,  
Harrisburg, April 20, 1858.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE,  
where it originated, the bill, entitled "An Act  
relative to a public road leading through the farm  
of James Miles, in Erie county."

The bill before me, after reciting that a certain part  
of a public road in the township of Girard, in the  
county of Erie, has become of no public utility, au-  
thorizes James Miles, at his own expense, to erect  
and keep up a good and sufficient gate at a certain  
point on the public road aforesaid.



I cannot approve this bill. If the road has really become useless, let it be vacated by the proper authorities; but, while it remains a public road, it should be kept free from all obstructions.

Under the act of the 13th of June, 1836, swinging gates may, by leave of the court of quarter sessions, be put across private roads; and if the road referred to in this bill is useless as a public and useful as a private road, it may readily be converted from the one to the other, by being vacated as a public highway and re-opened as a private way or road. But all this is for the action of the legitimate local tribunals.

WM. F. PACKER.

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To the Assembly Vetoing "A Further Supplement to an Act, Approved April 15, 1857, entitled 'An Act to Appoint Commissioners to View, Lay Out and Construct a State Road in Lancaster and Chester Counties.' "

Executive Chamber,  
Harrisburg, April 20, 1858.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the Senate, where it originated, the bill, entitled "A further supplement to an act, approved April 15, 1857, entitled 'An Act to appoint commissioners to view, lay out and construct a State road in Lancaster and Chester counties.' "

The bill under consideration proposes to change, in part, the location of a certain State road in the county of Chester. Without inquiring whether the change of location, in this instance, is a desirable one, or otherwise, it is sufficient to state that according to a certified copy of the record of the court of quar-



ter sessions of the peace in and for Chester county, it appears that viewers have already been appointed with full power to vacate, or change certain portions of the road in question, embracing that part of it mentioned in this bill; and if such change be proper, it will doubtless be made by the duly authorized local authorities. It cannot be doubted that full and ample justice will be done, as well to public as private interests, by the court of quarter sessions having the subject in charge.

In accordance, therefore, with views heretofore repeatedly expressed in returning similar bills, I am constrained to decline to sanction legislative interference with the action of the courts.

WM. E. PACKER.

### Proclamation of a Day of Thanksgiving.—1858.

Pennsylvania, ss.

[Signed] Wm. F. Packer.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. WILLIAM F. PACKER,  
Governor of the said Common-

wealth.

#### A PROCLAMATION.

Fellow Citizens:—

The goodness of God to us as a people calls for our public acknowledgment and our grateful praise. The past and the present are crowded with His blessings. Nothing has occurred to imperil the principles of civil and religious liberty upon which our Government is based, or to interfere with its harmonious operations in all



its departments. We are at peace with all foreign nations, and the noise of violence is unheard within our borders. While all enjoy perfect freedom of opinion, the genial influences of our free institutions, and the mild spirit of our holy religion, are more and more uniting us in one brotherhood. Our educational institutions are diffusing intelligence among the masses of our citizens, inducing a higher appreciation of their privileges, and a deeper sense of their obligations. Though in some localities the pestilence has prevailed, our country at large has enjoyed unusual health, and we are blessed with an abundance of all the necessities and the comforts of life. Our industrial pursuits are fast recovering from the torpor induced by the recent financial embarrassments; confidence is being restored, and business is resuming its wonted activity. Mercies crown all our relations in life, and the hopes of a glorious immortality wait to cheer and bless every heart.

Prompted by my own convictions of duty, and in conformity with the expressed wishes of many of my fellow citizens, I, WILLIAM F. PACKER, Governor of the Commonwealth of Pennsylvania, do hereby appoint Thursday, the Eighteenth day of November next, to be observed as a day of general Thanksgiving and Prayer, and recommend to all our people that, setting aside on that day all worldly pursuits, they assemble in their respective places of worship, and unite in offering thanks to God for His goodness, imploring His gracious forgiveness, and the continuance of His mercies. And while our hearts throb with gratitude to God for His unnumbered blessings, let a liberal charity be extended to all upon whom have been laid the burdens of misfortune and want.

Given under my hand, and the Great Seal of the State,  
at Harrisburg, this twenty-eighth day of October,



in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-third.

By the Governor,

Wm. M. Hiester,

Secretary of the Commonwealth.

### Proclamation of the Election of John M. Read, Judge of the Supreme Court.

Pennsylvania, ss.:

[Signed] Wm. F. Packer.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-

wealth.

#### A PROCLAMATION.

Whereas, In and by an act of the General Assembly of this Commonwealth, passed the 15th day of April, A. D. 1851, entitled "An act to provide for the election of Judges of the several Courts of this Commonwealth, and to regulate certain judicial districts," it is enacted and provided as follows, viz:

"Section 9. That on the first Tuesday in November next following any election authorized by this act, the Secretary of the Commonwealth shall, in the Hall of the House of Representatives, in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for Judges of the Supreme Court



to be accurately computed; and the Governor shall forthwith issue his proclamation, declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected by this act, and who have received the highest number of votes, to be duly elected."

And whereas, The Secretary of the Commonwealth did, at the time and place, and in the manner provided by the act aforesaid, cause the returns of the election made to him to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed.

Now, therefore, in obedience to the requirements of the above recited ninth section of the act of the General Assembly aforesaid, I do hereby issue this proclamation, publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the late general election, held on the second Tuesday of October last, John M. Read having received the greatest number of votes, has been duly elected Judge of the Supreme Court for fifteen years from the first Monday of December next.

Given under my hand and the great seal of the State,  
at Harrisburg, this second day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-third.

By the Governor,

Wm. M. Hiester,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
Pennsylvania in the Congress of the United States.  
—1858.

Pennsylvania, ss.

[Signed] Wm. F. Packer.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Whereas, In and by an act of the General Assembly of this Commonwealth, passed the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor, on returns of the election of the members of the House of Representatives of the United States, by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons so returned as elected in the respective districts.

And whereas, The returns of the General Election held on Tuesday, the twelfth day of October last, in and for the several districts, for members to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the Office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, whereby it appears that in the First District, composed of Southwark, Moyamensing, Passayunk, in the county of Philadelphia, and Cedar, Lombard, Spruce



and New Market Wards, in the city of Philadelphia, Thomas B. Florence has been duly elected; in the Second district, composed of the city of Philadelphia, except the before mentioned wards, Edward Joy Morris has been duly elected; in the Third district, composed of Kensington and the Northern Liberties of the county of Philadelphia, John P. Verree has been duly elected; in the Fourth district, composed of Spring Garden, Penn District, North Penn, Kingsessing, West Philadelphia, Blockley, Richmond, Unincorporated Northern Liberties, Bridesburg, and Aramingo, in the county of Philadelphia, William Millward has been duly elected; in the Fifth district, composed of Montgomery county and Bristol township, Upper and Lower Germantown, Upper and Lower Manayunk, Frankford, Roxborough, Byberry, Lower Dublin, White Hall, Oxford and Moreland, in the county of Philadelphia, John Wood has been duly elected; in the Sixth district, composed of the counties of Chester and Delaware, John Hickman has been duly elected; in the Seventh district, composed of the counties of Bucks and Lehigh, Henry C. Longnecker has been duly elected; in the Eighth district, composed of the county of Berks, John Schwartz has been duly elected; in the Ninth district, composed of the county of Lancaster, Thaddeus Stevens has been duly elected; in the Tenth district, composed of the counties of Lebanon, Dauphin and Union, and the township of Lower Mahanoy, in the county of Northumberland, John W. Killinger has been duly elected; in the Eleventh district, composed of the counties of Schuylkill and Northumberland, except Lower Mahanoy township, James H. Campbell has been duly elected; in the Twelfth district, composed of the counties of Montour, Columbia, Luzerne and Wyoming, George W. Scranton has been duly elected; in the Thirteenth district, composed of the counties of Northampton, Monroe Car-



bon, Pike and Wayne, William H. Dimmick has been duly elected; in the Fourteenth district, composed of the counties of Susquehanna, Bradford and Tioga, Galusha A. Grow has been duly elected; in the Fifteenth district, composed of the counties of Sullivan, Lycoming, Clinton, Centre, Mifflin and Potter, James T. Hale has been duly elected; in the Sixteenth district, composed of the counties of York, Cumberland and Perry, Benjamin F. Junkin has been duly elected; in the Seventeenth district, composed of the counties of Franklin, Fulton, Bedford and Juniata, Edward M'Pherson has been duly elected; in the Eighteenth district, composed of the counties of Somerset, Cambria, Blair and Huntingdon, Samuel S. Blair has been duly elected; in the Nineteenth district, composed of the counties of Westmoreland, Armstrong and Indiana, John Covode has been duly elected; in the Twentieth district, composed of the counties of Fayette, Greene and Washington, William Montgomery has been duly elected; in the Twenty-first district, composed of the county of Allegheny, except that part which lies northeast of the Ohio and northwest of the Allegheny, J. K. Moorhead has been duly elected; in the Twenty-second district, composed of Butler county and that part of Allegheny county not included in the Twenty-first district, Robert M'Knight has been duly elected; in the Twenty-third district, composed of the counties of Beaver, Lawrence and Mercer, William Stewart has been duly elected; in the Twenty-fourth district, composed of the counties of Venango, Warren, M'Kean, Clearfield, Jefferson, Forest, Elk and Clarion, Chapin Hall has been duly elected; in the Twenty-fifth district, composed of the counties of Erie and Crawford, Elijah Babbitt has been duly elected.

Now, therefore, I have issued this Proclamation, hereby publishing and declaring that Thomas B. Florence, Edward Joy Morris, John P. Verree, William



Millward, John Wood, John Hickman, Henry C. Longnecker, John Schwartz, Thaddeus Stevens John W. Killinger, James H. Campbell, George W. Scranton, William H. Dimmick, Galusha A. Grow, James T. Hale, Benjamin P. Junkin, Edward M'Pherson, Samuel S. Blair, John Covode, William Montgomery, J. K. Moorhead, Robert M'Knight, William Stewart, Chapin Hall, and Elijah Babbitt have been returned as duly elected in the several districts before mentioned as Representatives in the Congress of the United States, for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the great seal of the State, at Harrisburg, this third day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-third.

By the Governor,

Wm. M. Hiester,

Secretary of the Commonwealth.

Proclamation of the Election of William H. Keim as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss.

[Signed] Wm. F. Packer.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-

wealth.



## A PROCLAMATION.

Whereas, By a Return duly made by the Judges of a Special election held in the Eighth Congressional district of this Commonwealth, composed of the county of Berks, on Tuesday, the Thirtieth day of November, A. D. 1858, under the authority of An Act of the General Assembly approved the seventh day of July, A. D. 1839, it appears that William H. Keim, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty-fifth Congress of the United States, to supply the vacancy occasioned by the resignation of Honorable J. Glancy Jones.

And whereas, In and by the forty-second section of the act before recited, it is made the duty of the Governor on the receipt of the Returns of any special election by the Secretary of the Commonwealth, to declare by Proclamation the name of the person elected;

Now, therefore, I have issued this Proclamation hereby publishing and declaring that the said William H. Keim, Esquire, is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the Honorable J. Glancy Jones, resigned, who had been elected a member of the Thirty-fifth Congress.

Given under my Hand and the Great Seal of the State, at Harrisburg, this 4th day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-third.

By the Governor,

Wm. M. Hiester,

Secretary of the Commonwealth.



Annual Message to the Assembly.—1859.

Gentlemen:—

**A**LTHOUGH THE YEAR JUST CLOSED HAS one of great depression in the business and monetary affairs of the country, I am happy to be able to announce to the Representatives of the People, that the finances of Pennsylvania are in a most satisfactory condition.

The receipts at the Treasury, from all sources, for the fiscal year ending on the 30th day of November, 1858, were \$4,139,778.35; and the expenditures, for all purposes, during the same time, were \$3,775,857.06, leaving an excess of receipts over expenditures, of \$363,921.29.

This exhibit shows that there was actually in the Treasury, on the 1st day of December, 1858, the sum of \$363,921.29, more than there was on the 1st day of December, 1857. In addition to this, among the expenditures for the year, were

Loans redeemed, .....	\$380,306 85
Relief notes redeemed, .....	41,071 00
Interest certificates redeemed, .....	116 70

Making of the public debt, funded and unfunded, paid during the year, the sum of .....	\$421,494 55
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If we add to this the excess of money on hand, at the end of the fiscal year, over what remained in the Treasury, at the same time last year, viz, ....	363,921 29
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We have the sum of .....	\$785,415 84
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But this is not all. The amount paid on the public improvements, including damages and old claims, during the fiscal year, was .....

	\$341,036 58
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While the amount of revenue, from the same source, for the same period, was only .....	95,070 06
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Making an excess of expenditures over receipts, which happily we will be relieved from in the future, of .....	245,966 52
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This sum should, also, be credited to the operations of the Treasury, during the year, for it was an extraordinary expenditure, which cannot again occur, and was, in fact, a reduction of the liabilities of the Commonwealth, to that extent.

If we add this sum to the amount of debt paid, and the excess of cash on hand, we have for the year a balance in favor of the receipts, over the ordinary expenditures, amounting, in the aggregate, to \$1,031,382.36.

But from this, however, should be deducted the extraordinary receipts, which were,

1st. The amount paid by the Pennsylvania railroad company, on the principal of the debt due by the said company to the Commonwealth, for the purchase of the main line, .....	\$100,000 00
2d. The amount received from the Girard Bank, for loans of the Commonwealth, sold by that bank, .....	28,000 00
In all, .....	\$128,000 00

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Which, deducted from the foregoing aggregate of \$1,031,382.36, leaves the true balance of the ordinary receipts over the ordinary expenditures for the fiscal year, at \$903,382.36.

The funded and unfunded debt of the Commonwealth, on the 1st day of December, 1857, was as follows:



**Funded Debt.**

Six per cent. loan, .....	\$445,180 00
Five per cent. loan, .....	38,773,212 52
Four and one-half per cent. loan, ....	388,200 00
Four per cent. loan, .....	100,000 00
To this should be added 5 per cent. coupon bonds sold by Girard Bank, not before reported, .....	28,000 00
<hr/>	
Total funded debt, .....	\$39,734,592 52

**Unfunded Debt.**

Relief notes outstanding, .....	\$146,421 00
Interest certificates outstanding, ....	23,473 82
Interest certificates unclaimed, .....	4,448 38
Domestic creditors, .....	802 50
<hr/>	
Total unfunded debt, .....	\$175,145 70

Making the entire debt of the Commonwealth at the period named \$39,909,738.22.

The funded and unfunded debt of the State, at the close of the last fiscal year, December 1, 1858, stood as follows:

**Funded Debt.**

Six per cent. loans, .....	\$445,180 00
Five per cent. loans, .....	38,420,905 67
Four and one-half per cent. loans, ...	388,200 00
Four per cent. loans, .....	100,000 00
<hr/>	
Total funded debt, .....	\$39,354,285 67

**Unfunded Debt.**

Relief notes outstanding, .....	\$105,350 00
Interest certificates, .....	23,357 12



Interest certificates unclaimed, . . . . .	4,448 38
Domestic creditors, . . . . .	802 50
	<hr/>
Total unfunded debt, . . . . .	\$133,958 00
	<hr/> <hr/>

Making the public debt on the first of December last, \$39,488,243.67. Since the close of the fiscal year, the Commissioners of the Sinking Fund have redeemed of the five per cent. loan, the sum of \$220,132.51, leaving the real debt of the Commonwealth, at this time, funded and unfunded, \$39,268,111.16.

To meet this, besides the ordinary sources of public revenue, the State owns bonds received from the sale of the public works, and which, I have every reason to believe, are well secured, amounting to \$11,181,000. Deducting this from the outstanding debt, it leaves, to be otherwise provided for, the sum of \$82,087,111.16.

It is believed that, with the existing sources of revenue, and the observance of strict economy, this sum may be reduced during the current year, at least \$1,000,000.

The present would seem to be the appropriate time—when our nation is at peace—and when health and reasonable prosperity prevail within our own borders—to greatly reduce the public debt. We have but to carefully husband our legitimate resources, avoiding extravagant and unnecessary appropriations, and practicing a proper economy in all the departments of Government, to render the entire extinguishment of our debt a fixed fact within a very brief period. To carefully guard the public Treasury at this interesting epoch in our financial history, is so manifestly the duty of the public authorities, that I cannot for one moment believe that any other policy will be proposed. If there be any, who, relying on the improved condition of the finances of the State, would encourage the



adoption of new schemes for depleting the Treasury, or would cut off the sources of our present revenue, and thus reduce it, let all such efforts, coming from whatever quarter they may, be sternly resisted. Let Pennsylvania be just before she is generous. Let our good example be a light in the pathway of our sister States, as well as an admonition to our own local governments. This is due alike to the favors which Providence has so bountifully bestowed upon us, and to that high character for honesty and integrity which has ever distinguished the people of this good old Commonwealth.

In pursuance of the act, entitled "An Act for the sale of the State canals," approved on the 21st day of April last, I did, as the Governor of the Commonwealth, on the 19th of May, 1858, convey to the Sunbury and Erie Railroad company, all the public works belonging to the Commonwealth, then remaining unsold, consisting of the Delaware division—the Upper and Lower North Branch divisions—the West Branch division—and the Susquehanna division of the Pennsylvania canal, with all the property thereunto belonging, or in anywise appertaining, and all the estate, right, title and interest of this Commonwealth therein, for the sum of three millions five hundred thousand dollars. To secure the payment of this sum, the Sunbury and Erie railroad company paid to the State Treasurer its bonds, secured by a mortgage, as directed by the act, for the amount of the purchase money. The company also complied with the provisions of the act which required it, as additional security, to execute and deliver to the State Treasurer a mortgage on the Delaware division for one million—a mortgage on the Susquehanna and West Branch divisions for half a million—and a mortgage on the Upper and Lower North Branch divisions for half a million of dollars. The deeds and mortgages were all executed under the immediate su-



pervision of the Attorney General, and were in strict conformity with the requirements of the law.

After the conveyances were duly executed and delivered, possession of the canals was given to the railroad company.

The act further provided that the Sunbury and Erie railroad company should not re-sell the canals, or any part of them, without the consent of the Governor; and that if a re-sale were made for a greater sum, in the aggregate, than three and a half millions of dollars, seventy-five per centum of the excess should be paid to the Commonwealth, in the bonds of the purchasers. It was also provided that upon a re-sale, the mortgages given by the Sunbury and Erie railroad company to the Commonwealth, upon the canals, "should be cancelled by the State Treasurer and surrendered to the company by the Governor, on deposit made by the said company in the office of the State Treasurer, of an equal amount of the bonds of their grantees, secured by mortgage of the canal or canals sold as aforesaid"—with a provision that no transfer of securities should be made until the Governor should be satisfied that the new securities to be given were sufficient to protect the interests of the State; and that his written approval of the change should be filed in the office of the Secretary of the Commonwealth.

Sales were made by the Sunbury and Erie railroad company, and reported to me, under the oath of the president of the different lines, as follows:

The Upper and Lower North Branch canal, to the North Branch canal company, for .....	\$1,600,000 00
The West Branch and Susquehanna divisions, to the West Branch and Susquehanna canal company, for .....	500,000 00



The Delaware division, to the Delaware Division canal company of Pennsylvania, for .....	1,775,000 00
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In all the sum of .....	<u>\$3,875,000 00</u>
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Upon investigation and inquiry, having become satisfied that these sales were made for fair prices, and upon such terms and to such persons composing the various purchasing associations, as to insure the payment of the purchase money, they were severally approved.

After the contract for the sale of the Delaware division had been entered into, and my consent had been verbally given, and seventy-five thousand dollars of the purchase money had been actually paid by the purchasers, upon the faith of the contract, and my assent thereto, I was informed that a higher price had been offered by responsible persons, for the canal. But, under the circumstances, my opinion was that the offer came too late; and as the railroad company considered itself bound to consummate the agreement by a delivery of the deed and possession of the property to the first purchasers, I could not, in good faith, withhold my assent. The North Branch canal company, subsequent to the purchase of that division, sold that portion of the canal lying between Wilkes-Barre and Northumberland, to the Wyoming canal company, for the sum of nine hundred and eighty-five thousand dollars.

On the 13th of September, 1858, bonds of the various companies owning the different canals, secured by mortgages, were, in pursuance of the act, and by my approval, deposited with the State Treasurer, to the amount of two millions of dollars; and the mortgages on the canals given by the Sunbury and Erie railroad company, were cancelled by the State Treas-



urer, and surrendered by me to the company in accordance with the directions of the law. At the same time a settlement was made between the Commonwealth and the railroad company, by which the latter paid to the State seventy-five per centum of the proceeds of the re-sale over and above the contract price of three and a half millions. This amounted to two hundred and eighty-one thousand two hundred and fifty dollars, and was paid in the following manner, viz:

Bonds of the Wyoming canal company, secured by mortgage on the canal from Wilkes-Barre to Northumber- land, payable in twenty years, with interest at six per cent. payable semi-annually, .....		\$281,000 00
Cash, .....		250 00
Total, .....		<hr/> \$281,250 00 <hr/>

These bonds are well secured, and the accruing interest and principal, when due, will doubtless be promptly met.

From information of a reliable character, recently communicated to me by the president of the Sunbury and Erie railroad company, it appears that the prospects of an early completion of that great public highway are very encouraging. A large amount of work has been done on the line of the road during the past season, and at this time, very considerable portions of the road are graded and rapidly approaching completion. It is the opinion of the president of the company, that, within two years, the work will be entirely finished, so that cars will be running directly from the city of Philadelphia to the harbor of Erie.

When this great enterprise shall be consummated, and the desire of its friends finally accomplished, the



payment of three millions and a half of mortgage bonds, which the State has received in exchange for the canals, will unquestionably be well secured—whilst the railroad, itself, will prove of incalculable advantage to our great commercial emporium, as well as to the important, but long neglected region through which it passes. Its construction will undoubtedly add to the value of the real estate of the Commonwealth many times its cost, and develop and bring into use the rich resources of a country which have hitherto remained as they were lavishly strown by the hand of nature. I have an abiding confidence that the result will abundantly prove the wisdom of the measure, which, while it guaranteed the completion of one of the greatest improvements ever projected in the Commonwealth, it, at the same time, divorced the State from the unprofitable and demoralizing management of her railroads and canals.

Whatever differences of opinion may, at any time, have been entertained in regard to the propriety of the details of the legislation authorizing the sale of the main line, or the branches, it can scarcely be doubted, that the public welfare will, in every respect, be vastly promoted by the transfer of the management of the public works from the State to individual owners.

The short experience that we have had already, proves conclusively that the Commonwealth is greatly the gainer, in a financial point of view, and it has been equally demonstrated that the people at large have been as well, if not better accommodated, by the change.

It would, in my judgment, be a public calamity, if, by the happening of any contingency, the Commonwealth should be constrained to again become the owner, and resume the management, of any portion of the public improvements.



The power of the General Assembly to pass the act of the 21st of April, 1858, relative to the sale of the State canals, was questioned before the Supreme Court of the State, since the transfer of the canals; and, after full argument, the constitutionality of the act was sustained by the unanimous judgment of the court.

Since the sale of the public works, and the settlement of the principal outstanding claims against the State, it is obvious that there is no further necessity for a Board of Canal Commissioners, or a canal department. I therefore recommend the abolition of the Board, and that provision be made for the transfer of the records to the office of the Auditor General.

In view of the foregoing exhibit of our resources and financial condition, it is apparent that a most interesting era has been reached in the history of the Commonwealth, Relieved from the entangling embarrassments of an extensive system of internal improvements, the means of the State are now ample for all legitimate purposes, and her public debt is gradually but certainly disappearing. From these and other causes, governmental action has become greatly simplified, and the nature of its subjects of its operation has changed in a degree no less remarkable.

The almost entire disposal of the lands which belonged to the State, has already dispensed with one of the departments created for their care, and will, ultimately, render the other unnecessary, except for preserving the evidences of their transfer.

The sale of the public works has relieved the Executive branch of the government of many of its most responsible and perplexing duties, and in effect, dispensed with one of its most formidable and difficult departments.

In the same proportion, the action of the Legislature will, if the representatives of the people be true to the



interests reposed, and sternly refuse to entangle the public with those numerous projects and enterprises which are continually seeking its alliance, be simplified, economized, purified and strengthened.

And it is as remarkable as it is propitious, that an era which has thus relieved the State authorities of burthens that consisted, either of mere material interests, or the care of local administration,—committing the one to the local sovereignty of the people, and the other to private or associated enterprise,—should also present for consideration and promotion intellectual and moral claims of peculiar importance.

It is at this period in our history, that the system of public education challenges the attention of the most unobservant. And I shall be much mistaken in the cautious but steadfast character of the people of Pennsylvania, if their representatives do not make it the first object of their solicitude.

The annual report of the Superintendent of Common Schools, will lay before you the present condition of the common school system, and its operations during the past year. Your close and scrutinizing attention is invited to the details of that document.

Including the city of Philadelphia, it will be observed, that there were in the public schools of the State, during the year which terminated on the first Monday of last June, 628,201 pupils; these were instructed during an average term of a little over five months, in 11,281 schools, by 13,856 teachers at a total cost of \$2,427,632.41.

Here is a public interest, which,—whether we regard its ramifications into every portion of our social fabric, its large cost, the important powers over the present which it wields, or its incalculable influence upon the future,—undoubtedly transcends all others committed to the care of the secular authorities. This being the case, I have no hesitation in asserting that



the time has arrived when its full importance should be recognized, and that its due administration should be made the duty of a fully organized and effective, as well as a separate department in the government.

But the mere care and promotion of our system of common schools—important and extensive as it obviously is—should not be the sole object of such a Department. If it is true that the power to punish crime includes also the right to prevent it, by providing for the proper intellectual and moral training of the people, it would seem to follow that the Department charged with the latter momentous duty, should also be in possession of all the sources and subjects of information, calculated to shed light upon the object of its action. Hence the collection, arrangement and practical deductions from population and industrial statistics; from natural defects, such as deafness and dumbness, blindness and lunacy; from crime in its various forms and developments; together with such control over all the literary and scientific institutions in the State, as shall bring their full condition into view—should also belong to the same department.

Therefore, I most respectfully, but earnestly, urge favorable consideration, at the present propitious moment, the organization of such a Department, in the room of those for the care of mere matter whose agency has been or soon will be discontinued by the onward and upward progress of the Commonwealth.

A suitable Department of Public Instruction will not, however, of itself, effect all that is needed in this direction. The general results of the common school system, already cited, show the importance of its nature, and the magnitude of its operations. If we look, also, into its special statistics, the conclusion will be equally clear that certain improvements in its working machinery, are indispensable.



It is needless to attempt to prove the truism that the properly qualified teacher is the life and success of the school. But the facts are startling, that of the 12,828 teachers of our public schools, exclusive of those in Philadelphia, only 5,087 are reported as "qualified" for their important trust; while 5,387 are returned as "medium," or such as are only tolerated till better can be obtained; and that 2,313 are stated to be "unfit." In other words: of the 569,880 children attending the schools out of Philadelphia, only about 230,000 (less than one-half), are under proper instruction and training; while about 204,000 are receiving insufficient instruction from inferior teachers; 100,000 are actually in charge of persons wholly unfit for the task.

This presents the subject in a light that can not be shut out, and though the great and commendable efforts recently made by the teachers of Pennsylvania, for their own improvement, are fully recognized, it can not be concealed that there is a work yet to be done, in this relation, which would seem to be beyond their unaided power to accomplish.

When, however, we look further into the special statistics of this branch of the system, the material for improvement is found to be of the most promising kind. Of the 12,828 teachers of our common schools, 10,889 are under thirty years of age, and 10,946 are natives of Pennsylvania; and a larger proportion than in most of the other States, are permanently devoted to the profession of teaching. To render these fit for the position to which they aspire—undoubtedly one of the most useful and honorable in the world—and to raise up a constant supply of well qualified successors, is the work to be done.

Various modes of effecting this object have been suggested or tried; but, after mature reflection, I am led to prefer that devised by the act of May 20, 1857, entitled "An Act to provide for the due training of



teachers for the common schools of the State." It places, in relation to the State, the teacher on the same footing with the members of such of the other learned professions as have been recognized by public authority; and it is to be regretted that the prostration of business and the scarcity of money, that so soon followed the passage of the act, had the effect of checking many laudable efforts to put its provisions into operation. Under these circumstances, does it not become the duty of the State to afford such aid, or at least hold out such inducements as shall enable this measure to be fairly tested?

The passage of a law guaranteeing the payments of a moderate sum to the one teachers' school in each of the districts created by the act of 1857, would no doubt cause a sufficient number to establish the efficiency and practicability of the plan, to be completed in a few years; the money not to be paid till the schools were in full and approved operation. It is not probable that this grant would cause any considerable draft on the Treasury; but, even if the whole twelve schools should ultimately be established, the boon would neither be out of proportion to that which has been conceded to other literary institutions, nor the number of graduates beyond the wants of the community. Up to the present time, Pennsylvania has appropriated about \$600,000 in aid of her colleges and academies, and this mainly in the hope of obtaining from them teachers for the common schools. Though the benefits of this munificence have been, in other respects, quite equal to the amount given, it will be asserted by no one that the avowed object has been to any considerable extent effected. It would, therefore, appear to be time that the aid of the State should be brought directly to bear in favor of the great object so long contemplated.

I have thus briefly laid before you the condition of



our noble educational system. It will afford no sincere pleasure to concur in the adoption of these, or any other measures, for its perfection, that the wisdom of the Legislature may devise.

In this country, the want of a school which shall combine the elements of learning and agricultural labor, and thus adapt itself to the education of the farmer, has been most seriously felt; for, whilst our many colleges well fill the measures of usefulness in their appropriate spheres of influence, it must be conceded that the training they impart is badly adapted to the art of practical agriculture. In Pennsylvania that interest is so important as to demand at all times our anxious attention and active support. "The Farmers' High School of Pennsylvania," lately projected and planned by a few public spirited individuals, and which has received, to some extent, the patronage of the State, and the contributions of a number of our patriotic citizens, is destined to afford a place where young men may be educated at an expense commensurate with their means, and to a condition qualifying them for the pursuit of the business of the farm. Here, whilst daily occupation will train the body to the ability to labor, and give to the student the enviable feeling that he contributes to his own support and education, it will instruct and enlarge his mind, that it may give force and effect to all his future efforts. The design of the institution is to afford a school where boys may be thoroughly educated in all the branches of natural science, and, at the same time, be inured to the performance of labor; so that at their graduation they may return to their parents abundantly prepared to join the domestic circle, to give a right direction to the business of agriculture, and act well their part in every department of life. An object so fraught with usefulness is entitled to the highest commendation.



The application of scientific principles to the practical purposes of life, is but realizing the full benefit of those laws of nature, to discover and to profit by which, is undoubtedly one of the great ends of human reason. The more this important object is held in view and effected by our higher institutions of learning, the more valuable and useful will they become. The polytechnic college of Pennsylvania at Philadelphia, is founded on this basis; and its attempt to popularize science, and connect high acquirement with practical ability, is presented to your favorable consideration.

Under a resolution of the last House of Representatives a committee was appointed by the Speaker of the House, to examine the state and condition of several banks chartered at the session of 1857. The resolution directed the committee to report to the Governor the result of its examination within ninety days after the adjournment of the Legislature. On the 20th day of July last, the report of the committee, together with the accompanying evidence, was filed in the office of the Secretary of the Commonwealth, a copy of which will be laid before the House of Representatives.

In view of the facts reported by the committee, in reference to the organization and subsequent management of the Tioga County Bank, the Crawford County Bank, and the Bank of Shamokin, I would recommend a careful inquiry into the present condition of these institutions, and if it shall be ascertained that the public is likely to suffer injury from the further existence of either, a speedy and certain remedy may be found in a legislative repeal of the rights and privileges granted by the acts of incorporation. The power to alter, revoke or annul the charter of a bank whenever its continuance may, in the opinion of the Legislature, be injurious to the cit-



izens of the Commonwealth, is expressly given by the Constitution to the General Assembly,—to be exercised, however, in such manner as that no injustice shall be done to the corporators.

Obedience to this constitutional injunction would require that in the event of a repeal of the charter of a bank, care should be taken that the rights of the stockholders to the surplus assets of the bank, after payment of its debts, were protected; and that suitable provision should be made for settling its affairs.

The injunction contained in the Constitution, that the repeal or revocation of a bank charter shall be in such manner as to work no injustice to the corporators, is not a qualification of the power to revoke, or annul the charter; but it is simply a requirement that, in taking away the charter, the rights of the stockholders shall be protected, so far as is consistent with the act of repeal itself. I do not doubt that the Legislature may alter, revoke, or annul, any existing bank charter, whenever in its opinion the continuance of the charter may be injurious to the citizens of the Commonwealth. Any other construction of the constitutional reservation, would make the interests and safety of the public subservient to the gain of the private stockholder. Believing, therefore, that there is no want of power, I cannot refrain from expressing my decided opinion that whenever it is clear that a bank is insolvent, or in great danger of becoming so, or whenever its privileges are so used or abused as to seriously prejudice the interests of the public, it is the duty of the law-making power to protect the people, by destroying its corporate existence.

In this connection I deem it my duty to reiterate the views expressed in my inaugural address. I then stated, as my decided opinion, that there should be no further increase of banks or banking capital under the



present system—expressed a decided hostility to the issue of notes of a small denomination—and recommended such a change in our laws to banks, their organization and management, as would at least secure, beyond all question, the prompt redemption of all bills or notes put in circulation by the several banking institutions of the Commonwealth. •

Well satisfied of the imperfection of existing laws relative to banks and banking, I deem it a duty to inform the General Assembly that I cannot give the Executive approval to any bills chartering additional banks without a radical change in the entire system. It is but just to state that in my opinion a large majority of the banks of the Commonwealth are well and safely managed, and in a perfectly sound condition; but this is due to the honesty and intelligence of those having charge of them, rather than to the efficiency of the laws. Under the management of incapable or dishonest men, experience has shown that there is really but little, if any, security to the public in the regulations and restrictions now to be found in our banking code. True wisdom dictates a reformation.

The ruinous losses which have fallen upon the people during the financial pressure of the past eighteen months, suggest the necessity of preventing their recurrence. Although many causes may have combined to produce these disasters, it is too plain to admit of doubt, that our banking system has been one of the most prominent. The value of the precious metals—the prices of property—and the wages of labor—are always affected by the abundance or scarcity of the paper medium received as a substitute for gold and silver coin. The power of the States to authorize a paper currency, through the agency of banks, has been so long exercised, and acknowledged throughout the Union, that it is no longer an open question. But it



must be acknowledged that the power has been greatly abused. The delegation of this attribute of sovereignty to a number of irresponsible corporations, without proper checks to limit its exercise, and without providing any security whatever for the redemption of the issues thus authorized, has been attended with evils of the most alarming character. These corporations are practically made the exclusive judges of the amount of paper currency to be furnished to the people, and have the exclusive power to contract or expand their circulation at pleasure. Depositors and other ordinary creditors of banks, need no legislation for their protection. Every one who has direct dealings with these institutions, either as depositor or otherwise, enters into such engagements voluntarily, for his own advantage, and may be safely left to his own vigilance, and the ordinary remedies of the law, for his protection. But the millions of people engaged in industrious pursuits, the farmer—the mechanic—the merchant—and the laboring man—are under an imperious necessity to receive for their merchandize and their labor, the ordinary paper currency of the country. It is impossible for persons of this description to investigate the concerns of every institution whose notes are in circulation. But no investigation could save them from the losses arising from the defaults and frauds of bank officers and the insolvency of bank borrowers.

The note holders of banks have peculiar claims to the protection of the government. They are involuntary creditors, who are forced to receive the notes authorized by the government. They have no direct dealings with the banks. They do not trust the banks from any hope of gain. They have no profit in passing the notes which they would not have had in passing gold and silver coin. They constitute almost the entire community, and the humble and ignorant are



always the greatest sufferers when a bank fails to redeem its notes. The whole people are, therefore, deeply interested in the security of the circulation allowed by law, although many of them may never have had a share of bank stock, or been within a hundred miles of its place of business. The government that authorizes the issue of a paper currency is under a high moral obligation to require ample and available security for its redemption.

The certificates of loan issued by the General Government, or by this Commonwealth, at a value to be fixed upon, with the power to require additional deposits of security, from time to time, as the loans depreciate in the market, would be as safe and available as any guaranty which could be provided.

A law requiring all issues of banks hereafter organized, to be secured by the pledge of these loans, would enhance the value of the present loans, and thus give the holders a premium not contemplated when they became purchasers, and for which they never gave any valuable consideration. This enhanced value would be derived from a privilege granted by the State, and the State ought, therefore, to have the benefit of it, as far as this may be secured by legislation. The recent amendment to the Constitution circumscribes the power of the Legislature in creating State debts, with an exception in favor of debts contracted "to redeem the present outstanding indebtedness of the State." A law authorizing new State loans for the purpose of redeeming the present over-due debt, would be within the constitutional exception, and would be free from objection on constitutional grounds.

The new loans, thus authorized, redeemable at the expiration of twenty years, with the banking privilege attached to them, would undoubtedly sell at a high premium. The proceeds of their sale should be applied to the payment of the present State debt, now



overdue, amounting to more than seventeen millions of dollars. Under this system the State loans would no longer be held by foreigners, and the semi-annual shipments of specie, to pay interest, would therefore cease.

As the currency would be limited to the amount actually secured, the danger from expansions, which have heretofore stimulated the incautious to embark in ruinous enterprises, in overtrading, and in extravagance in their expenditures, would be greatly lessened, if not entirely overcome. As the securities would be in the hands of a high and responsible officer of the State, with authority to sell them for the purpose of redeeming the circulation, the power of the banks to arrest specie payments, at their own pleasure, would be at an end. The system proposed is as near an approach to a specie basis as the condition and habits of the people are at present prepared for. The duty of securing the community from losses continually arising from an unsafe currency, cannot be longer delayed, without a manifest disregard of the public interests. The subject is therefore commended to your early attention.

The report of the commissioners appointed to contract for and superintend the erection of a monument to the memory of citizens of Pennsylvania, who were slain or lost their lives in the late war with Mexico, will inform the Legislature of the proceedings had on that subject. After receiving proposals for the erection of the monument, and the adoption of a plan, it was determined, in view of the limited and inadequate appropriation made for the accomplishment of the purpose, by the last Legislature, to postpone the commencement of the work until further legislation could be had. It is the opinion of the commissioners that such a monument as would do credit to the State, and honor to the living and the dead, cannot be built for



a less sum than thirty thousand dollars. If the Legislature should concur in that opinion, the appropriation should be increased accordingly.

The report of the State Librarian will inform you of the progress made in the catalogue authorized by the last Legislature, and the general condition of the Library, which has grown to be an institution that deserves your fostering care. I would commend to your attention the suggestions of the Librarian.

The report of the Attorney General, which will be laid before you, will exhibit the operations of the Law Department of the government, for the past year. The act of the 21st of April, 1857, which requires the Attorney General to keep an office at Harrisburg, and which provides that all debts due to the Commonwealth shall be collected by that officer, has proved to be a highly beneficial enactment. Under its provisions large sums are saved, which were formerly paid for commissions and counsel fees. And the improved state of our finances is in no inconsiderable degree owing to the prompt manner in which outstanding claims are collected and paid into the State Treasury.

The Adjutant General's report, which will be laid before you, will show in detail the present condition of the Military Department. I would respectfully call the attention of the Legislature to the recommendations of that officer.

The militia law of 1858, has not been fully tested; but it is believed to be, in the main, an improvement on the laws in force at the time of its passage. One of its best features, and one that should be strictly enforced, is that the system is self-supporting. In no contingency should that department be a charge upon the public treasury, in time of peace.

In referring the attention of the Legislature to the elaborate reports of the Auditor General and State Treasurer, relating to the finances of the State, which



will be laid before you, I cannot refrain from giving expression to my views on the importance of a change in the mode of keeping and disbursing the public moneys.

The State Treasurer receives and disburses between four and five millions of dollars annually; and it not unfrequently happens that there is a balance in the Treasury exceeding one million of dollars. The bond of the Treasurer is but for eighty thousand dollars. He deposits the money of the State wherever he pleases, and is paid exclusively in his own check. The monthly settlements with the Auditor General afford some security that the funds of the Commonwealth will not be misapplied; but it is entirely inadequate to the complete protection of the public interests.

Until the State shall adopt a different system for the collection, safe keeping and disbursement of her revenues, the money on hand must be kept either in the Treasury vault or deposited with the banking institutions in the State. For many years the latter mode has been adopted. I respectfully recommend that provision be made by law that no money shall be deposited in any bank by the State Treasurer without requiring security to be first given to the Commonwealth, for the re-payment of the sums deposited—that all checks issued by the State Treasurer shall be countersigned by the Auditor General, before they are used—and that daily accounts of the moneys received and paid shall be kept in the office of the Auditor General, as well as in the Treasury Department.

The commissioners appointed to revise the criminal code of this Commonwealth are progressing with the duties of their appointment and will report the revised code before the adjournment of the Legislature.

The various charitable and reformatory institutions, which have heretofore received pecuniary assistance from the State, such as the State Lunatic hospital.



at Harrisburg—the Western Pennsylvania hospital, at Pittsburg—the Houses of Refuge, at Philadelphia and Pittsburg—the Pennsylvania Training School for idiotic and feeble-minded children—the asylums for the blind and deaf and dumb, at Philadelphia—the Northern Home for friendless children, at Philadelphia—I recommend to your fostering aid and care. The annual reports exhibiting a detail of the operations of these noble and excellent charities, during the past year, will be laid before you. I cannot recommend appropriations to charitable associations of a purely local character, however praiseworthy the objects and motives of their founders and supporters, or however useful they may be to their particular localities.

The present condition of the revenues of the General Government, demonstrates the urgent necessity of increased duties upon foreign importations. The people of Pennsylvania have ever taken a lively interest in the proper adjustment of a tariff; and they have, with singular unanimity, at all times, favored such an assessment of duties, as would not only produce revenue, but furnish the largest incidental protection to the great mineral, manufacturing, and industrial interests of the country. Had their voice hitherto been more potential in the councils of the nation, it is no longer problematical that much of the pecuniary distress, lately experienced by all classes, and conditions of business men, might have been to a great extent averted. The necessities of the government and the people, now, alike, demand a change—an increase of duties—and I take great pleasure in endorsing the views of the President of the United States as expressed in his last annual message, relative to the change proposed. His advocacy of specific duties on all “commodities which are usually sold by weight, or by measure, and which from their nature are of equal or of nearly equal value,



—such as iron, of different classes, raw sugar, and foreign wines and spirits,” has met with a hearty response from the great body of the people of this State. It is to be hoped that his views on this question will be favorably regarded by Congress, and that the action of the Federal Government may correspond with the suggestions of the President.

When I was called upon to assume the gubernatorial chair, nearly one year ago, in deference to public opinion, and my own feelings, after a rapid review of events in Kansas, I stated, that “to the people of Pennsylvania the admission of a new State into the Union—into that Confederacy of which she is a member—must be at all times a subject of high interest. And I believe I express their sentiments, as well as my own, in declaring that all the qualified electors of a Territory should have a full and fair opportunity to participate in selecting delegates to form a Constitution preparatory to admission as a State, and, if desired by them, they should also be allowed an unqualified right to vote upon such Constitution after it is framed.”

Subsequent events have confirmed me in these sentiments. The deplorable disputes in the first session of the present Congress,—the popular excitement resulting from those disputes, together with other proceedings in their nature novel and alarming, would all have been averted, had the people been secured in “the unqualified right” to vote upon their domestic institutions. I regret to be compelled to say, that under various pretences, this sacred franchise has been virtually withheld from them. When they refused to accept the Lecompton Constitution, made for them by delegates representing the minority, they were explicitly denied the privilege of making their own Constitution, unless upon a condition not previously exacted. If they accepted the Lecompton Constitu-



tion, they entered the sisterhood of States at once, with a population less than one half of the existing ratio of Congressional representation; but, if they refused that Constitution, they could not be admitted into the Union, with a Constitution of their choice, until they were ready to show, by a formal census, that they had attained a population equal to that ratio. The results have become historical.

The last expressive vote of the people of Kansas against the act of Congress, commonly known as the English bill, has for a time arrested Congressional intervention. Peace has resulted alone from the votes of the people, not from the suggestions of outside influences. But, during the angry feelings which this controversy has aroused, the theory has been started, and insisted upon, that it will henceforward be the duty of Congress to protect slavery in the territories, if the people of the territories shall fail to do so. The warrant for this extraordinary assumption is alleged to exist in the decision of the Supreme Court of the United States, in the case of Dred Scott. Entertaining, as I do, profound reverence for the decisions of that august tribunal, and standing ready to obey them, whenever they are enunciated, I have yet to be convinced that any such construction can be fairly given to their action in the case referred to. Such a doctrine, no matter how sanctioned, or supported, will shake the very pillars of our constitutional fabric. It would compel every territory to elevate property in slaves above every other description of property—and to establish a slave code in its early municipal regulations; or else it would convert the Congress into a theatre of crimination and confusion, and fill the whole country with strife. And all this, without securing a single advantage to the north, or protecting a single right of the south.

Regarding myself as fully committed to the doctrine



of popular sovereignty in its broadest sense, I can never subscribe to the theory of Congressional intervention, as understood and supported by the opponents of this doctrine. By popular sovereignty, I mean no violation of the rights of the States—no assault upon the institutions of the south—no appeal to sectional prejudices. On the contrary, I regard the doctrine as the embodiment of the popular will in States and Territories, as the conservator of the rights and the equality of States and people—and as the only means by which a vexed and dangerous agitation will be satisfactorily and perpetually “settled.”

A theory equally heretical has been advanced in another portion of the Union. It has been held that this government, divided into free and slave States, as it was framed by our Revolutionary Fathers, cannot endure—that all must become free, or all become slave. When such a doctrine shall be enforced, the Constitution will have been subverted—State sovereignty prostrated—State rights disregarded, and the liberty of the people destroyed. It should meet an indignant rebuke from every lover of his country, and the blood-bought right of the people and the States to self-government.

Under the various amendments to the Constitution of Pennsylvania, the influence of the Executive has been greatly reduced by the transfer of patronage from the Governor to the people. This is in accordance with the principles of self-government, but it must be acknowledged that in relieving the Executive from many serious responsibilities, it has diminished his ability to maintain the rights of the State against Federal and other encroachments, and has thrown a greater share of responsibility upon the people. The extensive patronage of the Federal Government, and the large salaries paid to its officers, in comparison with those of the State, present constant inducements



to our citizens to overlook the State in the pursuit of more lucrative employments under the United States. It is, therefore, the more necessary that the people should guard the sovereignty of the State with increasing watchfulness. The Constitution of the United States contains the great fundamental principle which should govern its construction on every question respecting the extent of the federal power. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." It is on this broad platform that every claim of federal power not granted by the Constitution, should be sternly resisted. The tendency to centralization is so great, and the overshadowing influences of power and patronage so seductive, that liberty cannot long be preserved without the exercise of sleepless vigilance in enforcing a strict construction of the federal compact. The doctrine of State rights is the doctrine of true liberty. Popular sovereignty is the life-blood of our free institutions, and the palladium of our safety. Every patriotic inducement to sustain those great principles should be fearlessly held out to our citizens, and every unauthorized assumption of power should be resisted with unceasing energy, and by all constitutional means.

Having now discharged the duty imposed on the Executive by the Constitution, I cannot conclude without congratulating you upon the peculiarly favorable auspices under which you enter upon the duties of the session of 1859. Few important subjects of legislation press upon your attention. Prudence, firmness, fidelity—a watchful regard for the interests of the Commonwealth—a jealous guardianship of her finances—on the part of the government—are all that are required, under Providence, to ensure the continuance and increase of our onward prosperity. Pennsylvania



may then, at no remote period, rejoice in the extinguishment of her public debt—the repeal of her onerous and burdensome taxes—a fame and a credit untarnished—a free and popular educational system—and an industrious and loyal people, prosperous and happy.

WILLIAM F. PACKER.

Executive Chamber,  
Harrisburg, January 5, 1859.

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To the Assembly Vetoing “An Act to Establish a Normal Department in Greene Academy, and to Unite the Public Schools of the Borough of Carmichaels with Said Institution.”

Executive Chamber,  
January 6, 1859.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last Legislature, a bill was presented for my approval, entitled “An Act to establish a Normal department in Greene academy, and to unite the public school of the borough of Carmichaels with said institution.”

The first section of the bill authorizes the teachers of Greene academy to establish a Normal school, for the education of teachers in said academy, and gives to the teachers and faculty of the academy the power to grant diplomas to students graduating in the Normal department.

The second section provides, “that the common schools of the borough of Carmichaels shall be connected with said Normal department, and the school directors of said borough shall pay into the treasury of said academy the school tax of said borough, as also the annual State appropriation by them received



for the support of common schools; for which the said trustees shall keep open a school or schools sufficient to meet the wants of said district, and in conformity to the requirements of the school directors of said borough."

The third section makes the school directors members of the executive board of trustees of the academy, with power to vote on all questions relating to the public schools of the borough; and the fourth and fifth sections require the school directors, upon the application of twenty or more tax payers of the borough, to submit the question of amalgamation to the voters of the borough, and if a majority of the votes cast are against the proposed union, the provisions of the act, so far as they relate to the common schools, are to be inoperative and void.

The bill under consideration is objectionable, inasmuch as it provides for a total transfer of the common schools, with the revenues of the district, to the trustees of the academy; for, in case the union be consummated by a vote of the people of the district, and the trustees should refuse to conform to the requirements of the school directors, as enjoined by the second section of the act, the directors, under the terms of the act, would be without remedy.

Again, by the third section, the directors and executive board of the trustees of the academy are clothed with concurrent jurisdiction with regard to "all questions relating to the public schools of the borough." The number of persons composing the executive board of trustees of the academy, other than the school directors, is not stated; but if it should be equal to the number of school directors, a conflict of jurisdiction would be possible, if not inevitable; and if the number be greater, the votes of the directors could be nullified at pleasure. The board of trustees, it is evident, could also control the action of the executive board. The



provisions of the third section conflict with, if they do not virtually overrule, the latter clause of the second section already quoted, which furnishes the only semblance of protection to the interests of the common schools.

The connection of the public schools with the academy is manifestly intended for two purposes: First, to secure the revenues of the common schools for the support of the academy; and second, to furnish model schools, in which to train the Normal students of the academy in the practice of their profession. The first of these objects is inadmissible, unless there be some adequate resulting benefit to the common schools. The second is judicious and commendable, so far as the advancement of the Normal pupils is concerned; and the common schools of the borough could doubtless be so administered, for this purpose, as to be mutually advantageous to all parties. But a provisional arrangement could be made with the school directors without the agency of this bill, that would sufficiently answer the purposes of the Normal department of the academy, and, at the same time, reserve to the board of directors their proper authority over the teachers, the schools and the finances of the district.

There is no objection to that portion of the bill which invests a Normal department in the academy, with authority to grant diplomas. This has been done repeatedly by the Legislature; and, presented by itself, would meet the unhesitating approval of the Executive. But I cannot consent to impair the power of the school directors over the common schools, or the common school fund of their district. In this respect, at least, there should be no encroachment on the general law.

For these reasons I am constrained to return the bill to the Senate, in which it originated, without the Executive approval.

WM. F. PACKER.



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For these reasons I am constrained to return the bill to the Senate, in which it originated, without the Executive approval.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Change the Location of a Portion of Fifth Street, in South Pittsburg."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT TO CHANGE the location of a portion of Fifth street, in South Pittsburg," was presented to me for approval on the 20th of April last. The Legislature, by its adjournment, having prevented its return at the last session, it is herewith transmitted to the Senate, where it originated, without the Executive approval.

This bill proposes to vacate a portion of Fifth street, in the borough of South Pittsburg, and authorizes and requires "the owners of property on both sides of Fifth street, from Bingham to Water street, to open, at their own cost and expense, a street, to be called New Fifth street, forty feet in width, at a point not to exceed one hundred feet west of the westward line of Fifth street on Bingham, and one hundred and ten feet west of the westward line of Fifth street on Water street, in said borough."

The vacation of old streets and the opening of new ones, is so peculiarly and appropriately the province of the local authorities, that I cannot sanction Legislative acts for such purposes.

Such questions and those of a kindred character, should, in my judgment, be left entirely to the disposition and control of home tribunals, where each particular case can be fully and fairly investigated, and the rights of all completely protected.

There is great danger that injustice may be done by this species of legislation, as it must necessarily be attended with a partial and imperfect understanding of all the merits of the application; founded, not un-



frequently, upon the allegations of interested parties, and without the knowledge of those adversely interested.

If the public convenience require that a portion of Fifth street, in South Pittsburg, be vacated and supplied by another, on a new location, an application to the court of quarter sessions of Allegheny county would doubtless produce the desired result. Thoroughly convinced, as I am, that that court is the proper tribunal to investigate the question, and that it should be there decided, I cannot give my approval to the bill under consideration.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act to Amend Certain Defects of the Law for the More Safe and Just Transmission and Secure Enjoyment of Real and Personal Estate.

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

ON THE 21ST DAY OF APRIL LAST, WHICH was the day preceding the adjournment of the last General Assembly, a bill was presented for my approval, entitled "A supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved the 27th day of April, 1855."

The first section of the bill provides: "That the second section of an act, entitled 'An act to amend certain defects of the law for the more just and safe



transmission and secure enjoyment of real and personal estate,' approved the 27th day of April, A. D. 1855, shall not be so construed as to repeal or alter the provisions of the second article of the fourth section, or the fourteenth section, of the act of Assembly, entitled 'An act relating to the descent and distribution of the estates of intestates,' approved the eighth day of April, in the year of our Lord one thousand eight hundred and thirty-three."

My first objection to this bill is, that it declares how a former act of Assembly shall be construed, or rather how it shall not be construed, notwithstanding the plain letter of the statute to the contrary. The construction of a statute is the province of the judicial department of the Government. To declare what the law shall be is for the law-making power, but to determine what the existing law is, belongs to the judiciary. The General Assembly, of course, has full power to change, alter or repeal, the whole or any part of a statute; but it is obvious, that the intention was not to repeal the section under consideration, but merely to prevent the judiciary from giving it a particular construction. This would be, however, in effect, a repeal of it, for if it is not to be so construed as to repeal or alter the provisions of the second article of the fourth section, or the fourteenth section, of the act relating to the descent and distribution of the estates of intestates, approved April 8th, 1833, it will be practically inoperative.

By virtue of the provisions contained in the sections of the act of 1833, referred to, where an intestate died, leaving no lineal descendants nor collaterals nearer than nephews or nieces, such nephews or nieces would take the estate of such intestate, to the exclusion of the children of a deceased nephew or niece; but, according to the construction which has already been given by the Supreme Court of the State to the second



section of the act of 27th of April, 1855, the children of a deceased nephew or niece are now entitled to represent the parent in the distribution of such an estate.

This section thus interferes directly with the aforementioned sections of the act of April 8th, 1833; and to say that it shall not be so construed, is to negative its manifest intention, and to deprive it of all force and effect. Such may not have been the intention of the Legislature, but if it were, then my next objection is equally fatal.

I cannot approve the bill, because I entirely concur in the wisdom of the change introduced by the act of the 27th of April, 1855, in the law of distribution, as regulated by the act of April 8th, 1833.

The bill is therefore herewith returned, without the Executive approval, to the Senate, in which it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Supplementary to the Acts Relating to Special Courts."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "An act supplementary to the acts relating to special courts."

This bill proposes to extend the various acts relative to special courts, so as to include all the judges of the district courts, and the associate law judges within this Commonwealth, and to give to the district



and associate law judges all the powers and jurisdictions of the proper president of the several courts of the county wherein the special court shall be held, in relation to all matters arising in such special court.

My objections to the bill are of a two-fold character. In the first place, I have serious doubts whether the Legislature can constitutionally substitute a judge of a district court, or an associate law judge of the common pleas, for the proper president judge of a judicial district. The Constitution requires that the presence of a president judge shall be necessary to the proper organization of certain courts; and it also requires that the president judge shall be elected by the people of the district over which he is to preside, and in virtue of such election he is commissioned as president judge. Now, this bill proposes to take judges who were never elected nor commissioned as president judges, and give them all the powers and jurisdictions, for the time being, of the proper president of the district. If the Legislature can do this for a given time, what is to prevent an extension of the time so as to embrace the entire term of a judge, and thus defeat the constitutional provision which secures to the people of a judicial district the right to elect their own president judge? To say the least, the change proposed is of exceedingly doubtful constitutionality, and therefore cannot be justified, unless it were demanded by an overshadowing necessity. It will not be pretended that such necessity exists.

In the second place, if the constitutionality of the proposed enactment were conceded, in my judgment it is totally unnecessary. Until within a very brief period the authority to hold special courts was confined to the president judge residing nearest to the place where the court was required to be held. In 1849 it was extended to the president judge of any adjoining district, and again, in 1853, to every president judge



of the common pleas throughout the State. Under the law as it now stands, the several president judges of the courts of common pleas may hold special courts, and even regular terms, where there is occasion for a special court, in any county of the Commonwealth. Surely this provision is broad enough to meet any and every demand for an exchange of judges.

For the reasons thus succinctly stated, I cannot give to this bill the Executive approval; I doubt its constitutionality, and I am clear that it is unnecessary. It is therefore returned to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Quiet Titles Under Wills Executed in Other States."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**O**N THE 21ST DAY OF APRIL LAST THE General Assembly presented for my approval, a bill, entitled "An act to quiet titles under wills executed in other States;" and as the Legislature, by its final adjournment, prevented its return at that session, I herewith send it back with my objections, to the House of Representatives, in which it originated, for re-consideration.

This bill provides, that in all cases in which the owner of lands within this Commonwealth, residing at the time of his demise in any other of the United States, shall have devised his said lands in this State by last will and testament, executed and proved in accordance with the requirements of the laws of the State where he executed the same, and the devisee or devisees, his or their heirs or assigns, shall have held



and paid taxes on said lands for twenty years or upwards, the title shall be deemed as good and valid as if said last will and testament had been executed and proved within this State, and in conformity with the laws of this Commonwealth.

I cannot approve of this bill, because it proposes, by retroactive legislation, to declare titles to land good which would be clearly bad without such legislation. It is a well settled rule of law, and a rule of property as well as of law, that wills by which real estate is devised, must be executed and proved according to the law of the place where the land lies. It is also well settled that mere payment of taxes will not of itself give title to real estate. A legislative declaration, therefore, that a will not executed according to the laws of this State, accompanied by payment of taxes for twenty years, conveys a good title to land, is contrary to the existing law, and it is highly probable that such a declaration would be inoperative so far as regards rights already vested. I question the power of the Legislature to make one man's title good, and consequently destroy the title of another, by such legislation. Wills not proved and executed according to the laws of the State, are, as to land within this Commonwealth, no wills at all, and upon the death of the owner of such land, the title descends to his heirs-at-law. Now to declare that land so situated, shall pass by will and not by descent, savors more of a judicial decree than of a legislative enactment. Similar legislation has heretofore been declared, by the highest judicial tribunal in this Commonwealth, to be unconstitutional and void, and it is not likely that the present attempt to make a good title out of a bad one, would be successful. At all events, I feel that I am in the performance of a plain duty, in refusing to give the bill under consideration my official sanction.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Change the Venue in the Case of the Commonwealth, vs. Anna Maria Veitengruber."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**O**N THE 21ST DAY OF APRIL LAST, WHICH was within ten days of the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An act to change the venue in the case of the Commonwealth vs. Anna Maria Veitengruber."

My objection to this bill is, that it proposes to transfer a trial upon an indictment for murder, now pending in the court of oyer and terminer of Sullivan county, to the court of oyer and terminer of Lycoming county, without making any provision for the payment of the costs and expenses of the trial. These belong, of right, to the county where the offence was committed, and ought not to be thrown on another county. For this reason I cannot approve the bill, and it is, therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

To the Assembly Vetoing "An Act Authorizing and Requiring the Supervisors of Carroll Township, in the County of York, to Grade a Certain Hill on the State Road, in Said Township. Leading from Harrisburg to Gettysburg, Adams County."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**T**HE GENERAL ASSEMBLY, AT ITS LAST SESSION, within ten days of the adjournment, presented for my approval, a bill, entitled "An Act



authorizing and requiring the supervisors of Carroll township, in the county of York, to grade a certain hill on the State road in said township, leading from Harrisburg to Gettysburg, Adams county."

This bill provides, "that the supervisors of Carroll township, York county, be and are hereby authorized and required, within one year from the passage of this act, to employ a sufficient number of hands to dig down and grade, in a good and substantial manner, so as not to exceed an elevation of four degrees, a certain hill in Carroll township, York county, about three-fourths of a mile south of Dillsburg, on the State road leading from Harrisburg to Gettysburg."

I cannot approve of the bill, because it proposes to interfere with duties devolving exclusively upon the local officers of the township. It is impossible for the Legislature to go into an investigation and determine with accuracy what hills shall be graded, and how much money shall be expended by the supervisors of the various townships in the State; and, if it were possible, it is utterly impracticable and unnecessary, the law having wisely imposed those duties upon a much more appropriate tribunal. It is to be presumed that the supervisors of the township of Carroll will perform their duty, and grade such hills as require it, and if they fail to discharge the duties incumbent on their office, they are personally responsible to the public, and a summary remedy may be applied by the people at their annual township election.

There is no more sound and wholesome principle than that which allows each separate governmental organization, whether it be State, county or township, to regulate and manage its own affairs in its own way, subject only to the general law of the land.

Believing that the bill under consideration is wrong in principle and calculated, if permitted to become a law, to establish a bad precedent, I am constrained to



withhold from it the Executive approval. It is, therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Authorize Isaac M. Pennock, Trustee, to Appropriate Certain Portion of a Trust Fund for the Payment of Debt Due for the Support of the Cestui Que Trusts."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**I** HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, where it originated, a bill presented for my approval on the 21st day of April last, entitled "An Act to authorize Isaac M. Pennock, trustee, to appropriate certain portion of a trust fund to the payment of debts due for the support of the cestui que trusts.

The first and only section of this bill provides: "That Isaac M. Pennock, trustee of Mary A. Woods and children, be authorized and empowered, and is hereby authorized and empowered to appropriate two thousand dollars of the trust estate in his hands for the payment of debts due for the support and maintenance of the cestui que trusts: Provided however, That the same be done under the order, and subject to the control of the orphans' court of the proper county, and that the amount so appropriated and used, shall be accounted for under the laws of this Commonwealth relating to such matters."

My objection to this bill is, that it is a legislative



appropriation of money received by a trustee, under a power which specifies the objects of the trust, and directs the application of the trust fund. If the proposed legislation is in accordance with the provisions contained in the deed of trust, it is unnecessary. If it is in contravention of the trust, it is the exercise of a doubtful power, and, therefore, clearly wrong. He who conveys property to another in trust for private purposes, has the undoubted right to direct the application of the trust fund; and so long as such direction is not forbidden by the law of the land, it should be scrupulously followed. Any interference with such direction, even by the constituted authorities of the State, would be an infringement of private rights, and ought to be carefully avoided.

Entertaining these views, I cannot approve the bill under consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act for the Erection of a School District out of Parts of Lehman Township, Pike County, and Middle Smithfield Township, Monroe County."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**A** BILL, ENTITLED "AN ACT FOR THE ERECTION of a school district out of parts of Lehman township, Pike county, and Middle Smithfield township, Monroe county," was presented for my approval within ten days of the adjournment of the last Legislature.



The title of the bill is explanatory of its object, which is the creation of an independent school district out of parts of two townships lying in adjoining counties. The bill is objectionable, because it is a departure from the general school system, destroying its uniformity, and calculated, as a precedent, to encourage similar applications from other quarters, and thereby rendering the whole system discordant and unintelligible to the officers whose duty it is to explain, expound and execute it.

The general plan is, that each township, ward or borough shall form a school district, with power conferred on the courts of quarter session to erect independent school districts, upon the application of not less than twenty taxables of the township or townships out of which it is proposed to make the new district. No general provision has been made for erecting an independent district out of territory lying in more than one county, and it is obvious that such a district would not harmonize with the general system.

The forty-seventh section of the school law requires the county commissioners to make a tri-ennial return of the taxable inhabitants resident in each district, upon which the State appropriation is based. The assessment is made by the township assessors. This bill makes no provision for obtaining a return of the taxables of the district it proposes to create, and hence it would be difficult to ascertain its proportion of the State appropriation, and the proper amount it would be entitled to receive from each township. The reason for the application for the new district is, probably, that the schools in the parts of the two townships proposed to be embraced in it, would be better accommodated than they are by the present arrangement.

But this can be accomplished under the provisions of the general law, which authorize the directors of adjoining districts to establish joint schools, and per-



mit pupils from one district to attend the schools of an adjoining one, if more convenient.

I do not believe that good can come from special school laws. The present general law has been carefully matured, and seems to be well adapted to advance the interests, and promote the prosperity of the great cause of universal education, and should, therefore, be adhered to, until time and experience prove that to change would be to improve it.

But whenever and wherever changes may be thought advisable, let the amendment be by general, and not special laws.

Entertaining these views, I declined to sanction the bill under consideration, and in accordance with the requirements of the Constitution, herewith return it to the House of Representatives, where it originated, for re consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Exempt a Certain School Property from Taxation."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**A** BILL WAS PASSED BY BOTH BRANCHES of the last Legislature, and presented for my approval within ten days of the adjournment, entitled "An Act to exempt a certain school property from taxation."

The bill proposes to exempt from taxation a certain building erected by George Markle, in the village of Markleville, in the county of Perry, now occupied by the Markleville Normal institute.



It is understood that the building is private property, and however commendable may be the public spirit and liberality of its proprietor, I can see no good reason for exempting it from taxation.

In principle I am satisfied that the exemption of any particular property from taxation is wrong. Taxation should be general, equal and uniform. The more general the objects of taxation are, the more equal will be the distribution of the burdens of government, and the more cheerfully will they be borne by the people. To exempt particular property, is to give an unfair advantage to its owner, and to make an invidious distinction between him and his neighbors. If frequently repeated in favor of individuals or classes, it would work intolerable mischief. I am constrained by an imperious sense of duty to decline approving bills of this character.

The bill under consideration is therefore herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Further to Provide for the Incorporation and Regulation of Insurance Companies within this Commonwealth."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

ON THE LAST DAY OF THE LEGISLATIVE SESSION of 1858, a bill was presented for my approval, entitled "An Act further to provide for the incorporation and regulation of insurance companies within this Commonwealth."



I have examined the bill before me, which is very voluminous, with great care, and have devoted much time and attention to its consideration. Finding many of its provisions wise, and well calculated to exercise a beneficial influence over the management of the various insurance companies of the State, and recognizing the great necessity for legislation on the subject, it is with regret I announce to the General Assembly that I found the bill in some of its items and details so extremely objectionable that, in my judgment, it ought not to become a law.

The first section of the bill makes it the duty of the judges of the district courts in the cities of Philadelphia and Pittsburg, annually, to appoint three commissioners, who shall, in each year, examine the statements made by the insurance companies in their respective cities, and in the county of Allegheny; and when the commissioners are satisfied that any such company is possessed of the amount of capital named in the section, the commissioners shall certify to the fact, and upon obtaining said certificate, the company may lawfully transact the business of an insurance company, subject to the annual renewal of the certificate. But in the event that the commissioners shall find, upon examination, that the company or association is insolvent, or without the capital required by the act, they are directed to report the fact to the proper court of the county, which court is required to issue an injunction to restrain the company or association from transacting the business of insurance; and if the insolvency reported by the commissioners shall appear to be correct, the court is to appoint a receiver to wind up the affairs of the company and distribute its assets, after the payment of expenses, ratably among the creditors of the company. The section also requires the insurance companies of the city of Philadelphia to provide for the commissioners, in which a record of their proceedings is to be kept.



The power of the Legislature to appoint a commission to inquire into the condition of insurance companies, and to authorize judicial proceedings in case of such as are believed to be insolvent, is unquestionable, and the exercise of such a power would probably be highly beneficial to the interests of the public; but this section requires every solvent company to obtain annually a certificate, in the nature of a license, to transact business, and this applies to all companies now existing, as well as to those which may hereafter be incorporated. It is questionable whether such a restriction or condition can be imposed upon the legitimate exercise of powers already granted. The various acts incorporating insurance companies, give the right to commence and continue the business of insurance on certain terms therein specified. This bill proposes to alter these terms by imposing others, which may interrupt their business, though they may be perfectly solvent and even prosperous, and it also subjects them to other than judicial control; and, finally, it deprives them of an appeal to the Supreme Court of the State, as by the nineteenth section, the decision of the district court is made final and conclusive.

The section is moreover incongruous and imperfect; for, while it requires the commissioners to report to the court such companies as are found to be insolvent, or without the requisite capital, it only authorizes proceedings against such as are reported to be insolvent, making no disposition whatever of such as are solvent, but without the required capital.

The second section makes the refusal or neglect of any company to comply with the conditions of the first section, cause of forfeiture of the charter, and imposes upon the president and secretary, upon conviction thereof, a fine of five hundred dollars. It is difficult to perceive why the president and secretary should



be liable to conviction and punishment for the neglect or refusal of the company, acting through its board of managers, to comply with the requirements of the section .

Under the fourteenth section of the bill, mutual insurance companies now incorporated and located in the cities of Philadelphia, Pittsburg or Allegheny, or having agencies therein, as well as all such companies hereafter to be incorporated, wherever located, are forbidden from issuing any policy of insurance, until they have a subscription list of persons desiring to become insured members, whose premium notes shall amount in the aggregate to fifty thousand dollars. Such companies are also required to confine their risks to the counties in which they may be severally located, and the adjoining counties, and are enjoined from issuing any policy until notice of the form thereof shall be published in one or more newspapers of the county where such company shall be located.

These provisions, in my opinion, are unnecessarily stringent and severe upon mutual insurance companies. Some of the most substantial and reliable companies in this Commonwealth are based upon the plan of mutual liability, with premium notes assessable for losses—their insurances extending to every city and county in the State, amounting, in the aggregate, to many millions of dollars, and as well secured as they can possibly be by any joint stock company. Why should such companies, so organized, and which make no dividends of profits, whether located in the cities of Philadelphia or Pittsburg, or Allegheny, or elsewhere, be confined in their risks to the county in which the particular company may be located, and the counties adjoining thereto, while joint stock companies that are the subject of speculation, and that declare large profits, are given a charter extensive as the State? I have looked in vain for a sufficient reason



for making this distinction. Common justice requires that all shall be placed, by law, on an equal footing, and that none shall be favored or proscribed; then, if either system prove unworthy of confidence, let it be condemned; and instead of limiting its operations to a single county or neighborhood, let it be entirely abrogated. Besides, the provision under consideration, directly interferes with the powers and privileges already solemnly granted by charter to mutual insurance companies, to extend their business throughout the Commonwealth.

Again, would not the provision which requires premium notes to the amount of at least fifty thousand dollars before a policy can be issued, prevent any company from going into operation on the mutual principle, at least in the interior of the State? If two and a half per cent. be taken as an average rate of insurance, it would require property offered to be insured amounting to two millions of dollars to produce the required fifty thousand dollars of premium notes; and when it is recollected that no insurance could be effected outside of the county where the company may be located, and those immediately adjoining it, it is obvious that in many sections of the State, it would be nearly or quite impossible to obtain the amount of applications thus required.

The eighteenth section is also objectionable. It provides, "that the insurance companies and insurance associations respectively, of the city of Philadelphia and of the city of Pittsburg, insuring property against loss by fire, shall, after obtaining the certificate required by this act, appoint one delegate each to meet in convention in the city of Philadelphia, on the last Tuesday of September next, and adopt such uniform fire policy or policies as such convention shall deem necessary and proper, copies of which shall be filed with the insurance commissioners in said cities, and



also with the Auditor General, immediately after their adoption, and published by the said companies in each of said cities for at least one week, in two daily newspapers having the largest bona fide circulation therein, and such policies shall on and after the first day of December next, become of general use; and it shall not be lawful for any insurance company incorporated by, or doing business within this Commonwealth, thereafter to issue any policy of insurance against loss by fire in the city of Philadelphia, or county of Allegheny, other than in the form of the policies so agreed upon and adopted; and any company, or the agent of any company, issuing any policy in violation of this section, shall forfeit and pay the amount of insurance specified in any such policy to the party so insured: Provided, That this section shall not apply to companies exclusively mutual."

This section deprives the companies therein named, of the power of making contracts of insurance on such conditions and terms as may be agreed to by both parties. Whatever the nature of the property, or of the risk, or wherever it may be situated, and whether the contract be made through an agent or by an immediate officer of the company, no form can be used, under a heavy penalty, except the one agreed upon in convention.

The right or liberty to settle the terms and conditions and form of the contract is necessarily included in the general grant of power to make insurance without express words, and it is also given expressly in very many charters. The conditions, limitations, modifications, covenants and warranties, in policies of insurance, are as various as the risks, and heretofore the parties to the contract were at liberty to make their own bargain. But this section requires the companies to agree through delegates to a common form or forms, which shall be used in every case.



Even in the conveyance of real estate this is not practicable; but in matters of contract which relate to an infinite variety of risks and contingencies, it is, in my opinion, impossible. It is the policy of our law to leave all who are competent to contract free to agree for themselves, stipulating, however, for things lawful, and observing good faith, and, to my mind, the attempt to produce uniformity in contracts of insurance, is such a departure from that policy, confirmed as it is by the experience of ages, as to render the experiment neither practicable nor desirable. It is quite impossible to foresee what special conditions it may be necessary to introduce into a policy; and it is unwise to place it out of the power of the parties to provide for such contingencies. The result of the adoption of this provision would undoubtedly be that no prudent company would take any risk that was not sufficiently provided for by the contract settled by the convention; and, consequently, parties wanting special risks insured would be compelled to go out of the State to get their insurance.

It will afford me great pleasure to co-operate with the General Assembly in providing additional checks and making other salutary regulations for the government of insurance companies, so as effectually to protect the public against the impositions and fraudulent practices of dishonest institutions. But, for the reasons already assigned, I cannot approve of this bill. It is, therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Encourage the Manufacture of Paper in this Commonwealth."

Executive Chamber,  
Harrisburg, January 6, 1859.

Gentlemen:—

**O**N THE DAY OF THE ADJOURNMENT OF THE last General Assembly, a bill was presented to me for approval, entitled "An Act to encourage the manufacture of paper in this Commonwealth."

I cannot approve the bill.

First. Because provision is already made in the general manufacturing act for the incorporation of companies to manufacture paper.

Second. Because in the bill before me the individual liability of the stockholders is much more limited than in the general law; and

Third. Because no provision is made for enforcing even the limited liability imposed by the bill.

For these reasons the bill is herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly with the Report of the Commissioners on the Mexican War Monument."

Executive Chamber,  
Harrisburg, January 17, 1859.

Gentlemen:—

**I** HEREWITH TRANSMIT TO THE GENERAL Assembly the report of the commissioners appointed by the act of the 22d of April, 1858, to contract for and superintend the erection of a monument to the memory of citizens of Pennsylvania who



were slain or lost their lives in the war with Mexico. The design of the monument adopted and now recommended by the commissioners, a full description of which accompanies the report, has been neatly framed and may be examined in the Hall of the House of Representatives.

WM. F. PACKER.

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To the Assembly Concerning the Sale of the Delaware Division of the Pennsylvania Canal.

Executive Chamber,  
Harrisburg, January 21, 1859.

Gentlemen:—

**I**N COMPLIANCE WITH THE RESOLUTION OF the Senate of the 17th instant, relative to the sale of the Delaware division, &c., I have the honor to inform the Senate that the offer made for the Delaware division of the Pennsylvania canal, after the same had been sold to the Delaware Division canal company, was by Erskine Hazard, on behalf of the Lehigh coal and navigation company, and by B. Rush Plumley, for himself and associates. The amount offered, according to my information, was two million of dollars. This was two hundred and twenty-five thousand dollars more than the previous contract price, and it is to be regretted that the offer was not made before the sale had actually taken place.

The act for the sale of the public works was approved on the 21st of April, 1858. The transfers were made by the Commonwealth to the Sunbury and Erie Railroad company on the 19th of May, and the different divisions were sold by the company between the 19th of May and the 10th of July, 1858.



The Sunbury and Erie railroad company	
sold the canals for, .....	\$3,875,000
Of which the State received, .....	3,787,250

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    Leaving the sum of, ..... \$87,750

As the proportion of the excess of sale belonging to the company, under the contract between the company and the Commonwealth.

WM. F. PACKER.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 14, 1859.

Gentlemen:—

**I**N CONFORMITY WITH THE REQUIREMENTS of the fifth section of the act of the General Assembly, approved the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, I do hereby nominate, for the advice and consent of the Senate of Pennsylvania, Thomas S. Kirkbride, M. D., of the city of Philadelphia, John L. Atlee, M. D., of the city of Lancaster, and Jacob R. Eby, of the county of Dauphin, to be trustees for the Pennsylvania State Lunatic Hospital, to serve for the period of three years, to compute from the 1st day of February last past.

WM. F. PACKER.



To the Senate Nominating Charles D. Hineline to be  
Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, March 4, 1859.

Senators:—

I DO HEREBY NOMINATE, FOR THE ADVICE  
and consent of the Senate, Charles D. Hineline,  
Esq., of the county of Dauphin, to be Superintendent  
of Public Printing, agreeably to the provisions of the  
act of the 9th day of April, A. D. 1856, entitled “An  
act in relation to public printnig.”

WM. F. PACKER.

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To the Assembly Vetoing “An Act to Incorporate  
the City Building Association.”

Executive Chamber,  
Harrisburg, March 7, 1859.

Gentlemen:—

I HAVE CAREFULLY CONSIDERED THE BILL,  
presented for my approval, entitled “An Act to  
incorporate the City building association,” and,  
as I cannot approve its provisions, it is herewith re-  
turned to the House of Representatives, in which it  
originated, for re-consideration.

From the title of the bill, no other rational inference  
could be drawn than that the object of the proposed  
corporation was to erect buildings, for sale or for  
the use of the corporators; but, upon a careful exam-  
ination of its provisions, it will be discovered that  
the business contemplated is the loan of money to  
such of the shareholders as will bid, upon competition,  
the highest premium for its use. By this system, it  
is morally certain, that he whose necessities are the



greatest will be the highest bidder, whilst it is equally certain, that he can, of all others, the least afford to pay an exorbitant interest for the use or loan of money. The result will necessarily be, that the stockholders who have money to lend will make very large profits from the association, whilst those who are compelled to borrow, will not only lose the capital paid by them, but, through the means of fines, assessments, forfeitures and premiums, will greatly jeopard any other property they may own and thus encumber.

Building associations in the city of Philadelphia, where it is proposed to locate the company named in this bill, may be incorporated by the court of common pleas of that city; but the court would be powerless to incorporate such an association as this bill contemplates, for, in no proper sense, could it be called a building association. If it is the province of the title to indicate truly the purposes of the enactment, this bill should be entitled "An Act to incorporate a company to loan money to such stockholders as will pay the highest premium for the loan."

At the last session of the General Assembly, a bill somewhat similar in its provisions to the one now before me, received the reluctant approval of the Executive; but subsequent information and reflection have entirely satisfied me that the incorporation of such associations is wrong in principle and productive, practically, of the most mischievous results.

Entertaining these views, the bill under consideration cannot receive the Executive approval.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Incorporate the Union School Directors in Wattsburg, in the County of Erie."

Executive Chamber,  
Harrisburg, March 15, 1859.

Gentlemen:—

**I** HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, a bill, entitled "An Act to incorporate the Union school directors in Wattsburg, in the county of Erie," without my approval.

The object of the bill seems to be to secure the erection of school buildings, in the borough of Wattsburg, at a cost not exceeding three thousand dollars, at the joint expense of the tax-payers of the borough, and of the townships of Amity and Venango, and yet securing to the former only the use of "one of the rooms on the first floor," and to the two townships neither authority to use a room or send a pupil to the school.

The seventh section authorizes the directors mentioned in the bill "to manage the said buildings" after they are completed, but no regulations or limitations, whatever, are prescribed, not even so far as to designate the purpose for which they shall be used. The directors are authorized to "rent the buildings to competent teachers," but no obligations or restrictions are imposed upon either, nor are any parties or uses designated to which the rent shall be applied, nor is there any thing in the act to prevent the application of the money to the private purposes of the directors, without accountability to any body. Or, they "may employ teachers, and conduct the same as may best suit the public and those concerned;" but who are meant by "the public," and "those concerned," is left to conjecture. The power to "employ teachers and conduct the same," is unreserved and absolute,



without any restrictions upon the directors, or any accountability on their part to the people, whose money is used in the erection of the buildings. It is not stated who may be admitted to the school as pupils, or upon what condition; nor are the rights of the people, embraced in the territory, in any manner defined. No intimation is given as to what kind of schools are to be kept in the buildings—whether sectarian or secular, private or public—nor whether under the general school law or otherwise. Part of the machinery of the common school system is to be used to secure the erection of the buildings; but, further than that, the school system is wholly ignored, and its benefits, so far as the proposed buildings are concerned, denied to the citizens who are compelled to aid in their erection. The bill is also otherwise crude and incongruous, uncertain as to its objects and operation, and exceedingly imperfect in its details.

For these reasons, the bill cannot receive the Executive approval, and is therefore returned for reconsideration.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act Entitled "An Act to Incorporate the Johnstown and Scalp Level Turnpike Road Company."

Executive Chamber,  
Harrisbrg, March 17, 1859.

Gentlemen:—

I RETURN HEREWITH TO THE HOUSE OF REPRESENTATIVES, in which it originated, the bill, entitled "A supplement to an act, entitled 'An Act to incorporate the Johnstown and Scalp Level turnpike road company,' approved the 17th day of April, 1856."



This bill provides "That the rights, powers and privileges conferred upon and granted to the Somerset and Johnstown plank road company, by the sixth section of an act of the General Assembly, entitled 'An Act to incorporate the Merchants' and Mechanics' mutual insurance company of Philadelphia,' and for other purposes, approved the 2d day of January, 1853, be and the same are hereby conferred upon and granted to the Johnstown and Scalp Level turnpike road company."

By referring to the above mentioned act, which, however, was approved on the 2d day of April, 1853, instead of the 2d day of January, 1853, it will be found that the privilege there conferred, or attempted to be conferred, on the Somerset and Johnstown plank road company, and which, by this bill, it is proposed to extend to the Johnstown and Scalp Level turnpike company, was the right to collect subscriptions made to its capital stock, although no money was paid on such subscriptions to the attending commissioners at the time the subscriptions were made.

The Johnstown and Scalp Level turnpike road company was incorporated under the general act regulating turnpike and plank road companies, the first section of which expressly provides that every person offering to subscribe to the stock of any such company, shall, at the time of subscribing, pay to the commissioners any sum not less than one dollar, nor more than five dollars, as shall be fixed and determined by the commissioners, previous to the opening of books, for every share so subscribed. This payment was a condition precedent without which no valid subscription could be made. The commissioners had no power to receive a subscription, unless it was accompanied by the payment of the first instalment; and any pretended subscription, without such payment, was a complete nullity—binding neither the company nor the subscriber. Neither party could enforce the contract,



for, in fact, no contract was made. Nor, in my opinion, has the General Assembly the power to give validity to past transactions of this character.

In a message which I had the honor to transmit to the last General Assembly, in returning a bill without the Executive approval, entitled "A supplement to an act to incorporate the Fayette County railroad company," I had occasion to examine a similar question somewhat at length. The message referred to may be found in the Journal of the House of Representatives for 1858, page 805, to which I beg leave respectfully to call the attention of the Legislature. For reasons therein stated, as well as those herein given, I am constrained to withhold the Executive approval from the bill under consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Office of Register of Wills, in the County of Dauphin."

Executive Chamber,  
Harrisburg, March 18, 1859.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "An Act relating to the office of register of wills in the county of Dauphin."

The bill provides, "That from and after the passage of this act, the register of wills for the county of Dauphin shall perform all the duties and receive all the fees and emoluments pertaining to the office of clerk of the orphans' court of said county; and, hereafter, the qualified electors of Dauphin county shall elect one person to fill the office of recorder of deeds, and one



person to fill the offices of register of wills and clerk of the orphans' court."

The effect of the proposed enactment, should it become a law, is to legislate out of office the present clerk of the orphans' court, who was elected by the people of Dauphin county, in October, 1857, and whose commission, consequently, does not expire until December, 1860, and to confer the office upon the register of wills, who has never been elected nor commissioned as clerk of the orphans' court. This cannot be done. There are but two methods by which a clerk of the orphans' court can be chosen in accordance with the Constitution of Pennsylvania. The one is an election by the people, and the other an appointment by the Governor, to fill a vacancy. The person who now holds the office of clerk of the orphans' court for Dauphin county, is entitled, under the Constitution, and by virtue of his commission, to hold it for the term of three years from the first day of December, 1857, and until his successor shall be duly qualified, if he shall so long behave himself well. A successor cannot be duly qualified by being named in an act of Assembly, nor can the term be shortened by the Legislature as long as the office remains.

A bill very similar to the one now under consideration, entitled "An Act to consolidate the offices of register of wills and clerk of the orphans' court in Luzerne county," was returned to the last General Assembly, without the Executive approval, and, as my objections to the bill were then fully stated, I respectfully call the attention of the Legislature to that communication, which may be found in the Journal of the House of Representatives for 1858. page 949.

Believing that the General Assembly is prohibited by the Constitution from enacting the proposed law. the bill is herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Provide for the Education of Certain Common School Teachers in Westminster College, New Wilmington, Lawrence County, Pennsylvania."

Executive Chamber,  
Harrisburg, March 18, 1859.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY APPROVAL, entitled "An Act to provide for the education of certain common school teachers in Westminster college, New Wilmington, Lancaster county, Pennsylvania."

After a careful examination of the several provisions of the bill, I have, reluctantly, come to the conclusion that it is my duty to withhold from it the Executive sanction.

The proposition is that the Commonwealth shall appropriate to the Westminster college the sum of twelve hundred dollars annually, for five years, to be applied to the payment of the salaries of the professors of the institution, and that for said appropriation there shall be taught for the same period, free from tuition fees, not less than fifty nor more than three hundred pupils, "in all the branches of English literature and science, and in the art of teaching and government," to be selected by the county superintendents and directors of the common schools from the counties of Lawrence, Beaver, Mercer, Butler and Venango.

The first objection to this bill is, that it is, in my opinion, a retrograde step in our educational career. An attempt to return to the abandoned plan of having the teachers for the common schools prepared in some subordinate department appertaining to a college. This plan was tried for nearly half a century, in this State, and the result was, that, as a class, the teachers of the State were sinking year after year into more un-



fitness, and to a greater distance from that standard of acquirement to which the proposed college association would seem to entitle them. The fact being that no college prepared teachers are found in the common schools, nor any having college connection, except such as are thus earning the means for a full college course, with a view to some other profession. A plan which has so signally failed in the past, holds out no promise of success for the future.

But even if the project were not thus marked with past failure, it would still be more than questionable, as a departure from the principle of the Normal school act of 20th May, 1857. That law was carefully prepared, and though it expressly holds out the promise of no State aid, in a pecuniary form, yet it impliedly pledges the State to the integrity of the plan, to the extent of giving it a full and fair trial, without let or hindrance.

Exclusive, however, of the previous failure of the plan for educating teachers here proposed, and of its interference with the Normal school law, the bill is objectionable on account of its partial and local character. It is not believed that the counties named in this bill have stronger claims on the State, or greater necessities for the training of their teachers, than the rest of the Commonwealth. Other propositions of a like character, it is true, may come from other sections, but they cannot be so numerous as to embrace the entire State; and what is to be done in those portions of the State that are not so fortunate as to contain like institutions of learning? And more than this, will not the effect of this process of piece-meal legislation be most pernicious to our educational system itself—the avoidance of which in the past has been one great cause of its success? Any departure from the unity of the system will surely bring future evil. The worth of the teacher is the hope of the



system. During nearly a quarter of a century the common school has been working its way, always regularly, though mostly noiselessly, into the affections of the people, and to its place amongst the great institutions of the State. The system now stands second to none in importance, influence, cost, magnitude and consequence. But after all, it is not its two and a half millions of dollars of annual cost, its six hundred and twenty-eight thousand scholars, its ten thousand directors, or its eleven thousand school houses, that are to be so much regarded as its fourteen thousand teachers. If these be not rightly prepared, duly respected and properly sustained, the rest is little better than useless machinery and waste material. In this light the qualifications and standing of the teacher assume their true magnitude. He should not be placed in the questionable, if not degraded, rank of a beneficiary amongst those who pay for their instruction, or on a footing with preparatory students, to be looked down on by those engaged in the higher branches. The teachers of the youth of the State should not enter upon their mission thus depressed in the public eye, and in their own estimation, but they should rather go forth from their own professional institutions, where they had held no subordinate rank, to pour the elements of just equality and manly self-reliance into the character of our youth.

Again, it is the business of the college to make scholars, not teachers. No college, as such, undertakes to train physicians, or lawyers or divines. This is the work of the respective professional institutions. Why then should it assume to prepare the teacher?

There is as much actual difference between the ordinary college-graduate and the school teacher, as there is between the college-graduate and the doctor, the lawyer, or the clergyman. The most eminent and useful professors of a college may not be at all adapted



to training students in the art of teaching, and it is this want of adaptation in the college course, to the due preparation of the teacher of the common school, that has caused the most liberal and intelligent governments in Europe, and the most advanced common school States of this Union, to expend vast sums of money in establishing Normal schools, for the strict professional education of teachers.

It is proper, however, to say, that with respect to the particular institution of learning named in the bill, I am satisfied that it sustains a very high character for usefulness in its several departments, and that it deserves to be liberally encouraged. But, for these reasons, viz: That the plan now proposed has been heretofore tried and has failed; that it is a virtual repeal of the principle of the act of 20th of May, 1857; that it is local and partial in its nature; that it is calculated to degrade instead of elevating the profession of teaching, and that it proposes the training of teachers in institutions not adapted to the purpose,—in my opinion, the bill should not become a law, and, accordingly, I herewith return it to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relative to Whitney Street, in the City of Philadelphia."

Executive Chamber,  
Harrisburg, March 23, 1859.

Gentlemen:—

I RETURN HEREWITH TO THE HOUSE OF REPRESENTATIVES, where it originated, a bill, entitled "An Act relative to Whitney street, in the city of Philadelphia."



The bill declares that Whitney street, in the Second ward of the city of Philadelphia, shall be extended to the width of thirty feet from the north line of said street, as laid down in the original survey, with a provision, that in the opening of the street the city of Philadelphia shall not be liable to any expense.

I can only repeat the objections which I have heretofore frequently stated to legislation of this character.

Whether particular streets in the city of Philadelphia should be opened, vacated, extended or widened, is a question which peculiarly belongs to the local tribunals of the city. Full power has been given to the court of quarter sessions of Philadelphia city and county to widen streets, upon a proper application being made, and any interference in particular cases by special acts of Assembly, is not only unnecessary, but almost certain to prove injurious to the interests of the public, by disarranging the general plan for regulating streets adopted by the city authorities.

There is a special objection to this bill growing out of the provision, that the city shall be at an expense in widening said street. And as there is no provision made for ascertaining, or paying, any damages which might be occasioned by the change in the width of the street, it would appear to authorize the taking of private property for public use, without making compensation to the owner.

For these reasons I am induced to withhold the Executive approval from the bill, and return it for reconsideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Incorporate the Philadelphia City Passenger Railway Company.

Executive Chamber,  
Harrisburg, March 25, 1859.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR THE EXECUTIVE approval, entitled "An Act to incorporate the Philadelphia City Passenger railway company."

This bill proposes to authorize the incorporation of a company with power to construct passenger railways upon Chestnut and Walnut streets, in the city of Philadelphia, upon certain terms and conditions set forth in the bill.

The streets named are well known to be of the greatest importance to the city of Philadelphia, and any legislation affecting them should be carefully considered, well matured, and only adopted upon the clearest evidence that it is in accordance with the wishes of the people of the city, and particularly of those directly and immediately interested in these great thoroughfares. Unlike nearly all of the bills which have become laws, in reference to passenger railways in the city of Philadelphia, the one under consideration does not require to its validity the assent of the local legislature of the city. The exclusion of this wise provision from the most important bill of the class, is of more than doubtful propriety.

But the principal objection, in my opinion, is that the General Assembly, at its last session, passed an act incorporating a company with power to occupy the streets referred to for a like purpose. The act, however, contains a provision that it should not go into operation until the assent of the city councils had been first had and obtained. Now if this assent has



been withheld, it is clear evidence that the body whose province it is more immediately to regulate and control the streets of the city, are unfavorable to this grant of power. Whilst, on the other hand, if the consent of the councils has been obtained, and the former act has thereby gone into operation, I know of no reason why that act should be repealed and the proposed one substituted in its place and stead.

For these reasons, I am constrained to refuse to this bill the Executive approval, and herewith return it for re-consideration, to the House of Representatives, where it originated.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Harrisburg Female Seminary."

Executive Chamber,  
Harrisburg, March 30, 1859.

Gentlemen:—

**I** RETURN HEREWITH TO THE SENATE, where it originated, a bill, entitled "A further supplement to the act to incorporate the Harrisburg female seminary."

It is proposed by the bill under consideration, to exempt the building and lot of ground, with the appurtenances, situate in the borough of Harrisburg, occupied by the Harrisburg female seminary, from taxation, so long as the same shall be used and occupied as such seminary.

The building and lot referred to, are private property, held by individual owners, and leased for the purposes of a seminary. To exempt such property from taxation is virtually to add the amount of the



annual tax to its rental; but, were it otherwise, and were it certain that the passage of the bill would benefit the institution, alone, public policy, in my opinion, forbids its enactment. As a general rule, all private property in the State should be subject to taxation—and, especially, when it is used for private purposes. If an exception be made, it should be general, and embrace all private property similarly occupied. To exempt this particular property from taxation, and to tax property used and occupied in like manner by others, would be unequal and therefore unjust.

My views on this subject were communicated to the General Assembly at its present session, in returning, with my objections, a bill passed by the last Legislature, within ten days of its adjournment, entitled “An Act to exempt certain school property from taxation,” to be found on the twentieth page of the Legislative Record. Inasmuch as my views remain unchanged, I am constrained, by a sense of duty, to return this bill, without the Executive approval, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing “An Act to Incorporate the Mont Alto Iron Company.”

Executive Chamber,  
Harrisburg, March 31, 1859.

Gentlemen:—

**T**HE BILL, ENTITLED “AN ACT TO INCORPORATE the Mont Alto iron company,” is herewith returned, without the Executive approval, to the Senate, where it originated, for re-consideration.

The object of the bill is to incorporate a company



for the purpose of manufacturing iron, with a capital of five hundred thousand dollars, to be located at Mont Alto, in Franklin county.

The bill is objectionable in many of its features: such as the limited individual responsibility of the stockholders: the long postponement of the payment of the bonus to the State; but the principal objection consists in the special character of the proposed legislation.

Under the general manufacturing law, approved April 7th, 1849, ample provision has been made for the incorporation of companies to manufacture iron; and there is, consequently, no necessity for a special act of incorporation for such a purpose. It is believed that the general law is, in the main, well adapted to promote the interests of those who desire to associate together, under a corporate name, to carry on manufacturing or mining operations, while, at the same time, in some degree at least, its provisions are calculated to protect the community at large from losses likely to arise from business transactions with corporations whose individual members are not personally liable to make good its contracts and engagements. If, however, the general law is defective, it will afford the Executive great pleasure to unite with the other branches of the law-making power in extending, amending or regulating its provisions in such manner as to render it acceptable to those desirous of investing their capital in the business of mining or manufacturing in this Commonwealth. A resort to special legislation, instead of improving the general law, is certainly not to be encouraged.

In stating my objections to this species of legislation, I have but to reiterate what I have heretofore said to the General Assembly in returning similar bills for re-consideration. I, therefore, repeat that where a bill is confined to a single locality, or is limited, in its application, to a particular company, it is not likely



to receive, at the hands of the Legislature, that consideration which is given to a general bill; and, consequently, it often happens that powers are granted which should be withheld, and restrictions omitted which ought to be imposed. As each corporation has a law of its own, there is neither uniformity nor equality in what is conferred, or what is prohibited. Hence, that which one corporation may do with impunity, is expressly forbidden to another of the same character. Another evil grows out of the defective machinery provided for the practical operations of companies organized under special laws. Frequent occasion is thereby given for the supplementary acts, which fill our statute books, although of no public interest, and occupy a large portion of the time and attention of the General Assembly and the Executive. It is a public grievance that so much of the time of the several departments of the Government should be diverted from the performance of other important public duties, and consumed upon acts of this character. If it were necessary to suffer these acknowledged evils, for the purpose of securing a greater good to the people of the Commonwealth, then it might be proper to submit to them without a murmur. But it is not necessary. All the benefits to be derived from associated capital, may be secured by a law general in its provisions, extending equally over the entire State, and applicable to every citizen desiring its advantages.

But, aside from this, my firm conviction is, that the evils attendant upon granting corporate powers and privileges for manufacturing and mining purposes, are nearly, if not entirely, equal to the benefits to be derived from that source. That individual capital and individual enterprize, under the restraints of individual liability, are fully competent to the successful prosecution of those industrial pursuits, has been clearly established by the experience of the past. And



upon that capital and that enterprize, mainly rest our hopes of success in the future.

Entertaining these views, I have deemed it my duty to withhold the Executive approval from the bill under consideration, and all others of a similar character.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Eastern Iron Company."

Executive Chamber,  
Harrisburg, March 31, 1859.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, a bill, entitled "An Act to incorporate the Eastern iron company," without the Executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Ario Iron Company."

Executive Chamber,  
Harrisburg, March 31, 1859.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, a bill, entitled "An Act to incorporate the Ario iron company," without the Executive approval.



Having stated my objection to a similar bill, somewhat at length, in a message to the Senate and House of Representatives of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Widen the Eastern Extension of Third Street, in the Town of Bloomsburg, Columbia County."

Executive Chamber,  
Harrisburg, March 31, 1859.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR MY CONSIDERATION, entitled "An Act to widen the eastern extension of Third street, in the town of Bloomsburg, Columbia county."

The bill authorizes the supervisors of the township of Bloom, in the county of Columbia, to widen the eastern extension of Third street, in the town of Bloomsburg, so as to make the same thirty-three feet in width, in accordance with a certain report filed in the court of quarter sessions of the peace, in Columbia county, on the 5th day of December, 1855 .

The power to authorize the supervisors of Bloom township to widen the street named in this bill, unquestionably exists in the court of quarter sessions of Columbia county. If it be proper to widen the street, that court will undoubtedly make the necessary order for that purpose, upon a proper application; but, if in view of all the facts bearing on the



question, the court has refused to grant the order, I am clear that the Legislature ought not to interfere. I have invariably declined to approve bills of this character, where the remedy could be obtained at the hands of the proper local tribunals. The bill is therefore returned to the Senate, where it originated, without my approval, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate  
the Fall Brook Coal Company."

Executive Chamber,  
Harrisburg, April 4, 1859.

Gentlemen:—

THE BILL, ENTITLED "AN ACT TO INCORPORATE the Fall Brook coal company," is herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

This bill proposes to confer on certain persons, therein named, corporate powers, with the right to hold land in certain townships in the county of Tioga, not exceeding six thousand acres at any one time, and with the privilege of selling and exchanging such personal property as may be useful and convenient in their business. It further proposes to authorize the company, when incorporated, to build a railroad, not exceeding fifteen miles in length, from any portion of its lands to connect with any other railroad. In addition to these privileges, the second section of the bill provides: "That the said company shall have the right also to mine and prepare for market coal, iron ore, fire-clay and other minerals of their lands;



to manufacture iron, fire-brick, mineral oil and other products of their minerals or lands, and to transport them to market and dispose of them; and to lease, sell and convey their land and the minerals thereof, and to make all such improvements and erections as may be deemed necessary for their interests."

It will thus be seen that the proposed corporation, although a close one and called a coal company, would in reality be a railroad company, a manufacturing company and a mining company, with power to buy and sell all kinds of personal property that might be useful and convenient in its business, and to buy and sell lands without limit, except that it shall not hold more than six thousand acres at one and the same time. Notwithstanding the unusual and extraordinary powers which the bill proposes to confer on the corporators, most of the restrictions contained in our general manufacturing act are omitted, and the individual liability of the stockholders is limited to debts due mechanics, workmen and laborers, and for produce furnished to the company, while the general law makes the stockholders individually liable for "debts due to miners, quarrymen and other laborers, and for machinery, provisions, merchandize, country produce and materials furnished for such companies respectively."

That portion of the bill under consideration, which proposes to authorize the construction of a railroad, is unobjectionable, but if the corporators named desire corporate powers for mining or manufacturing operations in this Commonwealth, they should be confined to the general law for all such cases. The purchase and sale of real and personal property, except so far as it may be a necessary incident to powers granted to a corporation, should be left entirely to individual action and competition.

It has been suggested that as two of the three corporators are residents of another State, the general



manufacturing act would not meet the requirements of this particular application; but this suggestion is met by the fact that our general law authorizing the association of any five or more persons for mining or manufacturing purposes, without regard to residence, requiring that a majority of the directors only, shall be citizens of this Commonwealth. There is surely no hardship in this provision—and if we give to citizens of other States the same facilities for forming corporate associations that are furnished to our own, we cannot justly be subject to the charge of illiberality.

My views upon the impolicy of incorporating manufacturing or mining companies, by special enactment, have been heretofore fully communicated to the General Assembly, and as they remain unchanged, consistency, as well as a sense of public duty, require that I should withhold the Executive approval from the bill under consideration.

WM. F. PACKER.

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To the Assembly Vetoing “An Act to Incorporate the California Seminary of Washington County.”

Executive Chamber,  
Harrisburg, April 4, 1859.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the House of Representatives, in which it originated, the bill, entitled “An Act to incorporate the California seminary of Washington county.”

This bill proposes to combine the three-fold functions of the common schools, an endowed private seminary, and a State Normal school; and is objection-



able because, first, its provisions are inconsistent with each other and with the common school law, as well as the general law in regard to State Normal schools; and second, the practical operation of the bill would be subversive of the interests and prosperity of the common schools of the borough of California, and of the rights and interests of the people of the Tenth Normal district, under the act establishing Normal schools.

The first section transfers the seminary to the management of a board of trustees and the school directors of the borough of California. This would open a door to conflicts of jurisdiction which cannot but prove injurious, and would permit interference with the common schools of the district on the part of the trustees of the seminary, and give them a share in the control of the common schools, which is and should be vested exclusively in the board of school directors. Whatever protection this section may seem to secure to the common schools, by equalizing the number of trustees and directors, is lost by the fact that a majority of the whole number shall constitute a quorum for the transaction of business; consequently, at any meeting in which there are more trustees than directors present, the directors may be out-voted, and their authority overruled. The authority of the directors is made still more doubtful by the provisions of the fifth section; that each board of trustees and directors shall have a vote in the management of the corporation, according to the several sums they have contributed—a rule of action, which, so far as appears from the bill, is uncertain now, and may be fluctuating and dangerous hereafter. The tenth section makes an unconditional surrender of the common schools as model classes for the Normal school, without the consent of the board of directors, or any control on their part, or any other reservation whatever to



protect the rights and interests of such schools. The seventeenth section contains compulsory provisions, with regard to the tuition of the common school pupils, incompatible with the municipal independence of the California school district, and the sound discretion of the board of school directors, under the terms of the general law; and the eighteenth section authorizes the entire transfer of the common school fund, and the virtual extinguishment of the common schools, for the benefit of that portion of the corporation known in the bill as the seminary.

The bill is no less objectionable in its other features. It recognizes the California seminary as the State Normal school for the tenth district, under the Normal school act; but without furnishing any evidence that its resources and organization are equal to the requirements of that act or any guaranty that they will be hereafter. It manifestly is not yet ready for recognition under the terms of the general act, and it is evident from the property limitation in the fifteenth section, and in the proviso of the first section, that it will not be able to subserve the purposes of the Normal act, or confer the benefits which it contemplates. The terms of the deed of conveyance to the contributors, trustees, &c., in trust, are not recited in the bill; it is therefore possible, if not probable, that they are not consistent with the terms of the Normal act and with the ninth section of the bill. Other sections are modifications, but not improvements, of the Normal act; and while they would be injudicious in a general law, are liable to the further objection, that they are made to apply to a single district, and, while lowering the educational standard, interfere with the uniformity of the State Normal system.

There is no apparent reason why the Tenth Normal district should be organized under a special law, nor why the California seminary should be recognized as



the Normal school for that district, before it has been properly organized and established under the general law. If this district and seminary may be thus recognized, every other district and similar institution of learning may justly claim the same favor at the hands of the Legislature; and in this event, all hope of establishing State Normal schools, uniform in their character, and equal to the growing wants of the Commonwealth, would be at an end. The importance of the common schools of the State cannot be over-estimated. They are fast assuming the front rank among our great institutions. To them alone can the large majority of our children look for that education which is to fit them for the purposes of life and the duties of citizenship.

The imperious want of the common schools is properly trained teachers. It is the settled conviction of the educational world, that these can best be furnished by institutions set apart for that particular purpose. In harmony with our own wants, and the experience of the past, here and elsewhere, a Normal school system has been inaugurated, that, with proper encouragement, will, in my opinion, fully answer the end of its establishment; and hence any interference with the general plan, by special legislation, would be not only unwise, but pernicious. Modifications, in some of its minor details, may be necessary to enable the Normal act to go into early operation; but these should be made by a general law, and not by special enactments.

WM. F. PACKER.



To the Assembly Vetoing "An Act Authorizing the Collection of Taxes for the Support of the Poor in the Counties of Tioga, Potter and Northumberland, from Unseated Lands."

Executive Chamber,  
Harrisburg, April 13, 1859.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT THE EXECUTIVE approval, to the House of Representatives, in which it originated, the bill, entitled "An act authorizing the collection of taxes for the support of the poor in the counties of Tioga, Potter and Northumberland, from unseated lands."

The bill proposes to authorize the poormasters of the several townships in the above named counties, to levy in their respective townships a poor tax on unseated lands, and to collect the same as other taxes are now collected from such lands.

I cannot approve this bill, because, should it become a law, it will introduce into three of the counties of this Commonwealth, a species of taxation unknown to the remainder of the State. Our tax laws should, as far as practicable, be uniform, general and equal. Like property should be taxable for like purposes in all the counties of the State. Bills general in their character, thus imposing burdens on any class of the community, will then receive such attention from the law-making power as their importance demands. Considering this bill an innovation in our system of taxation, calculated as a precedent to prove injurious in the future, in my opinion it ought not to become a law. It is, moreover, by no means clear that any additional taxes should be imposed upon unseated land and therefore unproductive property. It is believed that the unseated lands in the several counties, already pay their full proportion of the expenses of the local governments.

WM: F. PACKER.



Proclamation of the Cancellation of One Million One Hundred and Thirty-Seven Thousand One Hundred and Fifty-Five Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

Pennsylvania, ss.

[Signed] Wm. F. Packer.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-  
wealth.

A PROCLAMATION.



Whereas by the third section of the act of the General Assembly of the Commonwealth, passed the 22nd day of April, A. D. 1858, entitled "An act to establishing a Sinking fund for the payment of the public debt, it is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer, Commissioners of the Sinking Fund created by the said act of Assembly, on the first Monday of September, A. D. 1859, and on the same day annually thereafter, to report and certify to the Governor, the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them: Whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas by the ninety-eighth section of the act of the General Assembly passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordinary



expenses of government," it is provided that thereafter the receipts to the Sinking Fund to the amount that may be necessary to cancel the relief issues now in circulation, under the provisions of the act of the 4th of May, A. D. 1841, and the reissues under the act of the 10th day of April, A. D. 1849, shall be applied toward the cancellation of said issues.

And Whereas William M. Hiester, Jacob Fry, Jr., and Eli Slifer, Commissioners of the Sinking Fund, in obedience to the requirements of law, report and certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the 30th day of November, A. D. 1857, to the 5th day of September, A. D. 1859, amounts to the sum of one million one hundred and thirty-seven thousand, one hundred and fifty-five dollars and thirty-six cents, made up as follows:

Certificates of Stock Loan of		
11th April, 1848, 6 per		
cent., .....	\$44,550	00
Certificates of Stock Loans		
of various dates, 5 per		
cent., .....	1,047,238	26
Relief Issues cancelled, ....	41,071	00
Interest Certificates of vari-		
ous dates redeemed, .....	4,296	10
	<hr/>	<hr/>
		\$1,137,155 36

Now Therefore, as required by the third section of the Act of Assembly aforesaid, I do hereby issue this my proclamation, declaring the payment, concellation, extinguishment and final discharge of one million one hundred and thirty-seven thousand, one hundred and fifty-five dollars, and thirty-six cents, of the principal of the debt of the Commonwealth, including Forty-one thousand and Seventy-one dollars of the relief issues, which have been cancelled and destroyed as author-



The usual preliminary reading.  
A Proclamation.

Fellow Citizens:—The blessings vouchsafed by a kind Providence through the past year, demand our grateful recognition, and again call for the sacrifice of thanksgiving and praise. Under the protection of a government that secures to all equal rights, we have pursued, unimpeded, the various avocations of life, with more than usual prosperity. The earth, under the labor of the husbandman, has yielded her increase, and our barns and store-houses are crowded with the fruits of the harvest. We have not only been preserved from the ravages of the pestilence, but this year has been a year distinguished for health in our large cities and throughout all our rural districts. Our country has been preserved in peace. Our homes have been the abodes of tranquility, and blessings innumerable have clustered around our domestic hearths. Our various schools and seminaries of learning are diffusing throughout our community a higher intelligence, and imparting to our youth nobler aspirations. The institutions of our holy religion are well sustained, and under its pure and genial influence the spirit of unity and love, the earnest of yet better days, is most happily developed. To God, the great and the good, we are indebted for all, and to Him let praise be rendered.

With these sentiments, and in accordance with the known wishes of many of my

PROCLAMATION BY GOVERNOR PACKER.

Fac-simile of original draft.



fellow citizens, I, William F. Paxter, Governor  
 of the Commonwealth of Pennsylvania, do hereby  
 appoint Thursday the twenty-fourth day of  
 November next, as a day of general thanksgiv-  
 ing and praise to Almighty God and  
 recommend to all our people to lay aside, on  
 that day, their customary worldly business,  
 assemble in their respective places of worship,  
 and unite in praising God for his ex-  
 cellent greatness and loving kindness towards  
 us - beseeching His gracious forgiveness, and  
 the continuance of His goodness.

GIVEN &c

Wm F Paxter

By the Governor  
 " Wm M Hester  
 " Secy of the Com<sup>th</sup>



ized by the Ninety-eighth section of the act of 19th of April, A. D. one thousand eight hundred and fifty-three.

Given under my Hand and the Great Seal of the State at Harrisburg this Nineteenth day of September, A. D. 1859, and of the Commonwealth the eighty-fourth.

By the Governor:

Wm. M. Hiester,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1859.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Fellow Citizens:—The blessings vouchsafed by a kind Providence through the past year, demand our grateful recognition, and again call for the sacrifice of thanksgiving and praise. Under the protection of a government that secures to all equal rights, we have pursued, unmolested, the various avocations of life, with more than usual prosperity. The earth, under the labors of the husbandman, has yielded her increase, and our barns and store-houses are crowded with the fruits of the harvest. We have not only been preserved from the ravages of the pestilence, but the past



has been a year distinguished for health in our large cities and throughout all our rural districts. Our country has been preserved in peace. Our homes have been the abodes of tranquility, and blessings innumerable have clustered around our domestic hearths. Our various schools and seminaries of learning are diffusing throughout our community a higher intelligence, and imparting to our youth nobler aspirations.—The institutions of our holy religion are well sustained; and under its pure and genial influence the spirit of unity and love, the earnest of yet better days, is most happily developed. To God, the Great and the Good, we are indebted for all, and to Him let praise be rendered.

With these sentiments, and in accordance with the known wishes of many of my fellow citizens, I, WILLIAM F. PACKER, Governor of the Commonwealth of Pennsylvania, do hereby appoint Thursday, the Twenty-fourth day of November next, As a day of General Thanksgiving and Praise to Almighty God, and recommend to all our people to lay aside, on that day, their customary worldly business—assemble in their respective places of worship, and unite in praising God for His excellent greatness and loving kindness toward us—beseeching His gracious forgiveness, and the continuance of his goodness.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fourteenth day of October, in the year of our Lord one thousand eight hundred and fifty nine, and of the Commonwealth the eighty-fourth.

WM. F. PACKER.

By the Governor:

Wm. M. Hiester,

Secretary of the Commonwealth.



## Annual Message to the Assembly.—1860.

Executive Chamber,  
Harrisburg, January 4, 1860.

Gentlemen:—

**I**N COMPLYING WITH THAT PROVISION OF the Constitution of Pennsylvania, which makes it the duty of the Governor, from time to time, to give to the General Assembly information of the state of the Commonwealth, I am most happy, on this occasion, again to congratulate the representatives of the people upon the highly favorable condition of the finances of the State.

The receipts at the State Treasury, from all sources, for the fiscal year ending on the 30th of November, 1859, were \$3,826,350.14, to which add balance in Treasury, December 1, 1858, \$892,027.76, and it will be seen that the whole sum available for the year, was \$4,718,377.90. The expenditures, for all purposes, during the same period, were \$3,879,054.81. Leaving an available balance in the Treasury, on the 1st day of December, 1859, of \$839,323.09. Included in the expenditures for the fiscal year, are the following sums, viz:

Loans redeemed, .....	\$840,302 30
Relief notes cancelled, .....	4,137 00
Interest certificates paid, .....	4,843 00

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Making of the public debt actually paid, during the year, the sum of, ..	\$849,282 60
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The funded and unfunded debt of the Commonwealth, on the 1st day of December, 1858, was as follows:

#### Funded Debt.

6 per cent. loans, .....	\$445,180 00
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5	Do., .....	38,420,905 67
4½	Do., .....	388,200 00
4	Do., .....	100,000 00
Total funded debt, .....		<u>\$39,354,285 67</u>

## Unfunded Debt.

Relief notes outstanding, .....	\$105,350 00
Interest certificates, .....	23,357 12
Do. do. unclaimed, .....	4,448 38
Domestic creditors, .....	802 50
Total unfunded debt, .....	<u>\$133,958 00</u>

Making the entire debt of the Commonwealth, at the period named, \$39,488,243.67.

The funded and unfunded debt of the State, at the close of the last fiscal year, December 1, 1859, stood as follows:

## Funded Debt.

6 per cent. loans, .....	\$400,630 00
5 Do., .....	37,625,153 37
4½ Do., .....	388,200 00
4 Do., .....	100,000 00
Total funded debt, .....	<u>\$38,513,983 37</u>

## Unfunded Debt.

Relief notes in circulation, .....	\$101,213 00
Interest certificates outstanding, ...	18,513 82
Do. unclaimed, .....	4,448 38
Domestic creditors, .....	802 50
Total unfunded debt, .....	<u>\$124,977 70</u>



Making the public debt on the first day of December last, \$38,638,961.07.

Since the close of the fiscal year, the Commissioners of the Sinking Fund have redeemed, of the five per cent. loans, the sum of \$160,000, leaving the real debt of the Commonwealth, at this time, funded and unfunded, \$38,478,961.07. If we deduct from this sum the amount of the bonds received by the State, from the sale of her public works, and now held by her, as follows:

Bonds of Pennsylvania railroad com-	
pany, .....	\$7,300,000 00
Bonds of Sunbury and Erie railroad	
company, .....	3,500,000 00
Bonds of Wyoming canal company,..	281,000 00
	<hr/>
Total, .....	\$11,081,000 00
	<hr/> <hr/>

We have \$27,397,961.07, the remaining debt of the Commonwealth, the principal and interest to be provided for, from the ordinary sources of revenue.

It will be observed, that from the 1st day of December, 1858, to the 31st day of December, 1859, a period of thirteen months, besides meeting all the ordinary demands upon the Treasury, there has been actually paid, on the principal of the public debt, \$1,009,282.60.

When it is remembered, that during this period, the law reducing the State tax upon real and personal estate, from three to two and a half mills, has been in full force, and that nothing for the last year has been received from the Pennsylvania railroad company, on account of tax on tonnage, making the receipts, from those two sources of revenue, less by four hundred thousand dollars, than they were for the preceding year, it is a source of congratulation that, under such circumstances, a result so favorable has been produced by the ordinary operations of the Treasury.



For nearly two years past, the State has been entirely free from the ownership or management of canals and railroads, and the gratifying result, thus far, is, that her public debt is now less than it has been since the year 1842, and is decreasing at the rate of nearly one million of dollars per annum. It is now morally certain, that nothing but the grossest mismanagement of the financial interests of the State, can prevent its sure and speedy extinguishment. Why should not Pennsylvania press onward until she is entirely free from debt? She is no longer engaged in the construction of great works of internal improvement, nor is she the proprietor of railroads or canals. Relieved of these, governmental action is greatly simplified, and is now happily limited to subjects of a purely governmental character. Having ceased to be interested in ordinary business pursuits, it is her plain duty to devote her best energies to relieving her people from the burden of an onerous debt. When this great result shall have been accomplished, the necessary expenditures of an economical administration of the government, can be readily met without the imposition of a State tax on real or personal estate—the remaining sources of revenue being more than sufficient for all legitimate purposes. Until that end, so anxiously looked to, is secured, true wisdom, as well as sound policy, dictates, that our resources should be carefully husbanded—that none of our present sources of revenue should be cut off, or diminished—that all departments of government should consult a proper economy—that all extravagant and unnecessary appropriations should be avoided—and that every new scheme for embarrassing the Treasury should meet with marked condemnation.

Encouraging, as are the results of the past two years, it must not be forgotten, that we have but just commenced that payment of the principal of our debt; and that to prevent a misapplication of the public finances,



and thereby insure a continuance of its reduction, from year to year, is manifestly the first duty of those placed by the Constitution in charge of the Public Treasury, and to whom belongs the exclusive right of raising, economizing and appropriating the public revenue. I earnestly commend this whole subject to the careful attention of the Legislature—entirely satisfied, that, as it is the most vital of all the interests committed to the charge of the General Assembly, it will receive that consideration which its importance so eminently demands.

In my last annual message, I communicated to the General Assembly all that, up to that period, had been done under the act, entitled “An act for the sale of the State canals,” approved April 21, 1858. Since the adjournment of the last Legislature, satisfactory evidence having been given to me, of the compliance of the Sunbury and Erie railroad company, with the conditions mentioned in the third section of the act referred to, the State Treasurer, under my direction, has delivered to the company the canal bonds for two millions of dollars, deposited in the Treasury under the provisions of the said act.

The railroad company has also become entitled to, and has received, one million of dollars, of the mortgage bonds referred to in the sixth section of the same act; leaving mortgage bonds amounting to two and a half millions of dollars, still remaining in the Treasury of the Commonwealth, to be delivered to the company, “from time to time, *pari passu*, with the progress of the work, as ascertained by the returns and estimates of the chief engineer of the said company.” When the bonds, last mentioned, shall have been surrendered to the company, as directed by law, the State will still hold, as absolute owner, three and a half millions of dollars of the mortgage bonds of the company, payable in the year 1872, and in the six succeeding years, as mentioned in the act of Assembly, with interest, at the



rate of five per centum, per annum, payable semi-annually, on the thirty-first day of January and July of each year. Interested, as the Commonwealth is, in the early completion of this important thoroughfare, it affords me great pleasure to be able to inform the General Assembly, that the progress of the work, for the past year, has been highly satisfactory.

The Eastern division of the road, extending from Sunbury, in the county of Northumberland, to Whet-  
ham, in the county of Clinton, a distance of eighty-one miles, is finished; passenger and freight trains passing over it daily. The Western division, extending from the city of Erie, to the borough of Warren, in Warren county, a distance of sixty-six miles, is, also, completed, with regular passenger and freight trains now running over it daily. Making one hundred and forty-seven miles of railway, along the line of the route, that have been already brought into practical operation—one hundred and seven miles of which, exclusive of sidings, were finished during the past year. On the intermediate portion of the line, between the borough of Warren and Whetham station, a distance of one hundred and forty miles, ninety-five and a half miles are graded, leaving but forty-four and a half miles yet to be graded, to place the whole of the unfinished portion of the road in a position to receive the superstructure. If no untoward event shall delay its vigorous prosecution, another year will not pass before the entire line of the road will be finished and in use; thus affording a direct and continuous communication, by railroad, from the city of Philadelphia to the harbor of Erie.

By the twenty-second section of the act approved the 13th day of April, 1846, entitled "An act to incorporate the Pennsylvania railroad company," it is provided, "that all tonnage, of whatsoever kind or description, except the ordinary baggage of passengers,



loaded or received at Harrisburg, or Pittsburg, or at any intermediate point, and carried or conveyed on or over said railroad, more than twenty miles, between the 10th day of March and the 1st day of December, in each and every year, shall be subject to a toll or duty, for the use of the Commonwealth, at the rate of five mills, per mile, for each ton of two thousand pounds; and it shall be the duty of said company, between the 20th and 30th days of July, and between the 1st and 10th days of December in each and every year, after thirty miles or more of said railroad shall have been completed, and in use, to cause to be made out, and filed with the Auditor General, a true and correct statement, exhibiting the amount of said tonnage, so loaded or received, and the distance so carried and conveyed, during the respective periods intervening between the said 10th day of March, and the 20th day of July, and between the said 20th day of July and the 1st day of December, in each and every year; which said statement shall be verified by the oath or affirmation of the receiving or forwarding agent or agents, or other proper officer or officers, of said company, having knowledge of the premises; and at the time of filing said statement, or on or before the said 30th day of July, and the 10th day of December, in each and every year, the said company shall pay to the State Treasurer, the amount of said toll or duty, so accruing for the use of the Commonwealth, during the respective intervening periods before mentioned." And, in a supplement to the act just referred to, passed on the same day, it is further provided, "that in case the said company shall, at any time, fail to pay the toll or charge on tonnage, which may accrue, or become due to the Commonwealth, under the provisions of said act, the same shall be and remain a lien on the property of the said company, and shall have precedence over all other liens or incumbrances thereon until paid." By the act of the



27th of March, 1843, the tax on tonnage of five mills per ton, per mile, from the 10th of March to the 1st of December, was commuted to a tax of three mills per ton, per mile, during the whole year. Subsequently, by the act of the 7th of May, 1855, lumber and coal, were made exempt from the tonnage tax.

In pursuance of the provisions of the several acts referred to, the Pennsylvania railroad company has paid into the Treasury of the Commonwealth the following sums, viz:

For the fiscal year ending November 30,	
1851, .....	\$7,521 93
For the fiscal year ending November 30,	
1852, .....	16,680 49
For the fiscal year ending November 30,	
1853, .....	65,228 59
For the fiscal year ending November 30,	
1854, .....	112,880 50
For the fiscal year ending November 30,	
1855, .....	129,230 56
For the fiscal year ending November 30,	
1856, .....	226,018 51
For the fiscal year ending November 30,	
1857, .....	179,933 75
For the fiscal year ending November 30,	
1858, .....	222,363 02

Since July, 1858, the railroad company has refused to pay this tax, and consequently there is now due from said company, on that account, exclusive of interest, the sum of \$350,405.00.

On the 21st of February, 1859, an account was settled by the Auditor General, against the company, for the tax on tonnage, from the 21st day of July, to the 30th day of November, 1858, inclusive, amounting to the sum of \$87,375.22. From this settlement, the company, on the 19th day of April, took an appeal to the court of



common pleas of Dauphin county; and, in the specifications of objections which were filed, it was averred that the tax was unconstitutional, and an opinion to that effect, signed by eminent counsel, was filed in the office of the Auditor General, at the time the appeal was entered. In August last, the cause was tried, and after a full investigation, and argument, the constitutionality of the law imposing the tax was affirmed by the court, and a verdict and judgment rendered in favor of the Commonwealth, for the amount claimed, with interest. The case has since been removed, by a writ of error, to the Supreme Court of the State, and will, probably, be heard and determined, by that tribunal, in the course of the present winter.

On the 25th day of August last, another account was settled against the company, for the tax on tonnage, from the 30th day of November, 1858, to the 20th day of July, 1859, amounting to the sum of \$159,368.58, from which an appeal has also been taken by the railroad company, and which will probably be tried during the present month.

As this question largely affects the revenues of the Commonwealth, and as the principle involved is one of the first importance, I have deemed it a duty to lay before the General Assembly, somewhat in detail, the history of this tax, and the present condition of the legal controversy growing out of its imposition and enforcement. It will be observed, that the power of the State to grant chartered rights, and corporate privileges, to a railroad company, upon the condition that it shall pay to the Commonwealth a portion of its earnings, in the shape of a fixed tax upon the freight carried over the road, is questioned by the company, and that, too, after the grant has taken effect, and while the corporation is in full enjoyment of all the benefits conferred upon it by its charter. The question, it is true, is a legal one, and its decision, therefore,



rests with the judicial department of the government; but, I have not the slightest doubt, that the decisions, when had, will entirely vindicate the right of the government to impose the tax, and to compel corporations of its own creation to obey the law from which they derive their existence. When it is remembered, that the tax was originally imposed, in order to indemnify the State, to some extent, for losses which she was sure to sustain from a competition, which was inevitable, between the railroad authorized, and her main line of public works; and that this competition did, not only seriously affect the revenues of the Commonwealth, derived from her public improvements, but ultimately induced the sale of the main line to the railroad company itself, at a price many millions of dollars below what it would have produced, in the absence of such competition, it is certainly not to be presumed that the Commonwealth will willingly yield her demand for revenue from this source, until she is, at least, fully indemnified for the pecuniary injury sustained in the depreciation of her own property, by her liberality extended to the company which now denies her power to enforce a contract, voluntarily entered into, upon a consideration entirely adequate.

The annual report of the Superintendent of Common Schools, with the tables and documents accompanying it, will exhibit the condition of the vast engine of social improvement to which it relates. The number of pupils, in all the public schools of the State, is 634,651—of schools, 11,485—and of teachers, 14,071. The schools have been in operation, on an average over the whole State, five months and nine days. The average salary of male teachers, is \$24.36, and of female teachers \$17.79, and the cost of instruction, per pupil, fifty-three cents per month. The average tax for tuition, &c., is about five and a half mills, and for building purposes, about three and one-sixth mills, on the



dollar. Including the city of Philadelphia, the entire cost of tuition, &c., was \$2,047,661.92; the building expenses \$531,413.85; and the whole expense of the system, in the State, for the year, \$2,579,075.77.

Though the school year ending on the first Monday of June last, was one of unusual difficulty in money affairs, yet the system manifests an encouraging activity in all its departments, while the rate of taxation, both for tuition and buildings, would appear, from the official report, to have somewhat decreased. But, it is by a contrast of the present condition of the system, with that of 1854, when the agencies now operating so beneficially, were created, that results are most plainly seen. Within that period, the whole number of pupils has been increased nearly one-seventh—of teachers, one-thirteenth—and the salary of teachers, the best index of improvement, one-sixth for males, and one-fourth for females. These results, with the others which the official report will exhibit, unerringly point to the duty, as well as necessity, of the utmost care and attention, on the part of all public agents, to this primary social institution—primary in importance, no less than in the career of each citizen. To strengthen, to retain pure, and to properly direct, this fountain-head of social influence, is, it seems to me, the great duty of the law maker, in his highest and most responsible capacity, as the framer of the future of the State.

The attention of the General Assembly was called, somewhat at length, to the existing condition and further requirements of our school system, in the annual message of last year. It is not, therefore, necessary to repeat the suggestions and conclusions then presented. They are again, however, commended to your favorable consideration; the events and experience of the intervening period, having increased the conviction of their propriety. This is especially the case, in regard to the plan devised by the act of 20th of



May, 1857, for the due training of teachers for the common schools of the State. A full supply of competent teachers, is admitted by all, to be the great need of the system, and the first want to be provided for. Unerring indications, in every quarter, not only establish this fact, but point to the general adoption of the proposed means, at no distant day. The efforts of the teachers, themselves, for professional improvement, encouraged and sustained by all who duly estimate the value and influence of the teacher's office, not only foretell this, but the strong public sentiment in favor of institutions for the purpose in question, confirms the probability of this result. In every quarter, indications of this kind are perceived—more or less strong in proportion to the force of local circumstances. In the Second Normal district, composed of the counties of Lancaster, York and Lebanon, an institution, up to the full requirements of the law of 1857, has been established and officially recognized, and is now in successful operation, as a State Normal school. For its details the Legislature is respectfully referred to the annual report of the Superintendent of Common Schools; but, I should do injustice to the intelligent enterprise which moulded, and the enlarged philanthropy which produced, this noble institution, as well as to my own feelings, were I to forbear congratulating you upon the result. It is the first fruit of a law which seems to be as much in accordance with the cautious, yet generous, character of our people, as it is admirably adapted to effect the great end in view.

All that seems requisite to give full effect and a general success to the plan, is, at this juncture, to guard it from mutilation, or radical change. If the intelligent and liberal minds that are now weighing the project, and contemplating its extension to other parts of the State, be assured that this is the settled policy, their efforts will be concentrated, their activity in-



creased, and final success be hastened. Whereas, radical or important changes, will destroy this growing confidence, crush the hopeful efforts now being made, and postpone for years, if not totally destroy, all hope of success in this essential department of public instruction. The true course will be to cherish the law, and bring it into general operation, by holding out the certainty of State aid to each institution established under it, as soon as a certain number, to be fixed by law, shall have been legally recognized, and are in full operation. The money of the State, appropriated in this manner, will effect more benefit, in proportion to the outlay, than in any other of the operations of the system. The instruction of the child, is a duty; but the instruction of the teacher, is economy as well as duty. It will probably be advisable to make such appropriations, payable only when the schools are legally recognized and in full operation. This course will have the double effect of guarding against loss by the State, and of stimulating, into early existence, a sufficient number of institutions to supply the existing want in every quarter of the State.

The period for the third election of County Superintendents is rapidly approaching, and the public mind will naturally be turned to the results of the office. My own observation, as well as information from various and reliable sources, leads to the opinion, that this office, when filled by the proper person, and its duties discharged in full compliance with the design and spirit of the law creating it, has been of great advantage to the schools. Indeed, no candid person can deny the fact, apparent to even slight observation, that more improvement has been effected in the workings and results of the system, since the creation of the office of county superintendent, than in any previous period of even double duration. It is true, that when exercised by incompetent officers, or crippled by insufficient



compensation, little, if any advantage has accrued. But this is no argument against the office itself; and it is to be hoped that the directors of counties thus heretofore deprived of the benefits of this agency, will, at the next election, acting under the teachings of experience at home, and the light of success from other parts, correct this evil and realize the full benefits of this provision of the law.

The increasing ease and soundness of our financial condition, will, at no remote period, justify an addition to the common school appropriation. The general policy of the State has been that each district shall raise within itself the main support of its own schools; but, an annual donation, distributable amongst them all, in proportion to population, has also been a part of that policy. The object of this State grant seems to be two-fold: First—It is a means of securing regularity in the proceedings and reports of the several districts, so that the Department of Common Schools shall have the requisite information for the due discharge of its functions: And second—It lightens, in some degree, the burden of local taxation, to the relief of the poorer and more sparsely peopled districts. An increase of the annual appropriation would enhance both these objects, and, whenever the finances of the government will justify it, commends itself to the favorable consideration of the Legislature.

The aid which the Legislature has hitherto extended to the establishment of the Farmers' High School of Pennsylvania, strongly evinces their high appreciation of the advantages which it is anticipated will grow out of that institution. While it must be admitted that knowledge is as essential to the art of farming, as it is to all the other employments of life, we cannot but feel deeply interested, that a community so peculiarly agricultural as we are, should have all the advantages of an education which combines in itself, as well the



knowledge of the practical art of agriculture, as scientific acquirements in all those branches of learning which are especially applicable to its profitable pursuit. A school where agriculture is practically taught, is a new field to which our attention has been called; and one which, because of its great importance, well deserves our attention. It embraces the principle, that while youth are taught habits of industry, they are impressed with the proud consideration, that the labor of their own hands contributes to their acquisition of knowledge. And thus, too, education is brought within the reach of many a bright genius, who would otherwise struggle and languish for the want of the means of acquiring it. Our school, within its limited means, has been in successful operation during the past year; having under its charge one hundred boys, who, while they are carefully instructed in all those branches of science which pertain to a high order of education, are daily engaged in all the practical operations of the farm—fitting them to return to rural life, and to infuse throughout the State an amount and kind of knowledge which must ultimately produce a most beneficial influence upon the most cherished branch of industry. The practical workings of the school, for the past year, have impressed the trustees, who have it in charge, with the highest hopes of its complete success. The great interest which is everywhere felt throughout the Commonwealth, in the further extension and progress of the institution, commends it to our care and protection.

The State Librarian will report to you the completion of the descriptive and classified catalogue of the books in the State Library, authorized by the act of the 16th of April, 1858—a work, from the details it embraces, of which labor, but which will greatly facilitate the use of the Library. It will be seen, from his report, that the origin of the Library dates far back in the history of the Provincial government, and that it re-



ceived the fostering care of the Commonwealth during the period of the Revolution. It is gratifying, that, notwithstanding the waste to which it has been subject in past years, owing to the want of proper attention—under the careful supervision of the present Librarian, it has, since he has had the charge of it, nearly doubled its number of volumes, and now contains in all 22,000 volumes—the largest State Library in the Union, with the single exception of that of the State of New York. The collection of law books, and especially law reports, is considered by those competent to judge, among the best in the country. The Library, from its intrinsic value and importance, and its historic relations, deserves, and I trust it will receive, the continued liberality of the Legislature.

In my inaugural address, as well as in my last annual message, I expressed the opinion that our present banking system was extremely defective, and that, unless it were radically changed, I should consider it an imperative duty to withhold the Executive approval from all bills creating new banks. Without again giving in detail the reasons which influenced my action on this question, or repeating the suggestions and recommendations heretofore made to the Legislature, it is proper to remark, at this time, that my convictions have been confirmed, by time and reflection—that my opinions remain unchanged, and that I cannot approve of any increase of banking corporations under existing laws. If corporate privileges, for banking purposes, are needed, to accommodate the business wants of any portion of the State, justice requires, that such institution should be compelled to protect the community receiving its circulation, by requiring that ample security shall be given for the prompt redemption of its notes, the sufficiency of which no act of the corporation could impair. All experience in this State, and elsewhere, has demonstrated, that the present sys-



tem affords little or no protection to noteholders, beyond the personal integrity of the officers controlling the management of the several banks. For a full exposition of my views on this question, I respectfully call the attention of the General Assembly to my last annual message.

The reports of the Auditor General, the State Treasurer, the Surveyor General, the Adjutant General, and the Attorney General, will be laid before you, and will show, in detail, the operations of their respective departments for the past year.

Deeply impressed with the belief that the present mode of receiving, keeping and disbursing the public revenue, is entirely unsafe, and inadequate to the complete protection of the interests of the Commonwealth involved, I again respectfully, though earnestly, invoke legislative action on this highly important subject. The receipts and disbursements of the Treasury are each, annually, from three to four millions of dollars. At times there is on hand a balance exceeding one million of dollars. The State Treasury gives security to the Commonwealth in the sum of only eighty thousand dollars. He deposits the money of the State when and where he pleases, and it is paid out upon his own check exclusively. His accounts are settled by the Auditor General, once a month, and is, apparently, the only safeguard provided by law to prevent the illegal use of the public funds while under the control of the State Treasurer. That the Treasury of the Commonwealth has hitherto escaped from disastrous defalcation, is owing to the integrity of the officer, and not to the efficiency of the laws; and while our main reliance, in the future, must be on the honesty of the officers to whom the department is entrusted, it is, nevertheless, the plain duty of the government, by proper legislative enactments, to prevent, as far as possible, the illegal, improper or fraudulent use of the



funds of the State by a faithless or dishonest public agent. I respectfully recommend, that provision be made by law that no money shall be deposited in any bank, or elsewhere, by the State Treasurer, without first requiring security to be given to the Commonwealth for the prompt re-payment of the sums deposited;—that all checks, issued by the State Treasurer, shall be countersigned by the Auditor General, before they are used;—and that daily accounts of the moneys received, deposited and disbursed, shall be kept in the office of the Auditor General as well as in the Treasury Department; and that weekly statements of the balances in the Treasury, and the places and amounts of deposits, shall be kept in a book to be provided for that purpose in each department.

The Commissioners appointed in pursuance of the resolutions of the 19th of April, 1858, to revise the Penal Code of this Commonwealth, have presented to me their final report, which is herewith transmitted to the General Assembly. Its importance to our whole community, and the great labor devoted to its preparation, commend it to your early and earnest attention. The manner in which the duties of the commission have been performed cannot fail, in my opinion, to receive your approbation.

I commend to your fostering care the State Lunatic Asylum, at Harrisburg—the Western Pennsylvania Hospital for the insane, at Pittsburg—the Asylum for the Blind, at Philadelphia—the Asylum for the Deaf and Dumb, at Philadelphia—the Pennsylvania Training School for idiotic and feeble minded children, at Media—the House of Refuge, at Philadelphia—and the Western House of Refuge, at Pittsburg. These excellent, charitable and reformatory State institutions have done, and are doing, almost incalculable good, in the relief of suffering humanity, and in the reclamation and reform of the erring young. They have strong



claims upon the continued bounty of the Commonwealth. The annual report of these noble charities will be laid before you, and will exhibit, in detail, their operations during the past year.

I refrain from recommending, as proper objects for the county of the State, a number of benevolent and charitable associations, equally humane and beneficent in their operations; because they are entirely local in their character, and however meritorious their claims may be, and unquestionably are, upon the respective communities for whose particular use they are founded and conducted, in my opinion, they have no claims upon the Treasury of the State, which can be recognized with a just regard to the interests and rights of other sections of the Commonwealth.

The editor of the Colonial Records and Pennsylvania Archives has prepared a copious index to the whole work, which will be laid before the Legislature, at an early day of the session. The publication is now completed, and it is a satisfaction to know, that the records of the colony, as well as those of the State, preceding the adoption of the Constitution of 1790, are now of easy access to the public, and in a condition which renders their entire destruction impossible. I recommend that a suitable sum be paid, by the Commonwealth, to the editor of the Records and Archives, for the work performed by him since the discontinuance of his salary.

I have so repeatedly presented my views to the Legislature, of the evils arising from local and class legislation, that it is not necessary again to repeat them. I desire, however, to call the attention of the General Assembly to the fact that we have, on our statute books, general laws providing for the incorporation of railroad, turnpike, bridge, plank road, gas, water, insurance and other similar companies, and that all corporate powers granted by the Legislature, to such com-



panies, should be under these general laws, so that there may be uniformity in the provisions of similar associations, and that the time of the General Assembly may not be occupied in passing bills of great length, when a simple reference to the details of the general laws would answer every purpose.

The practice of sending to the Executive a large number of bills immediately preceding the final adjournment of the Legislature, is highly objectionable, and ought, as far as practicable, to be discontinued. Its necessary consequence is, either to compel the Executive to approve bills which he has not full examined, to sign them after the final adjournment, or, if he disapprove them, to return them to the next General Assembly, with his objections. Thus imposing upon succeeding Legislature the final disposition of bills, with the origin and passage of which it had no connection. To illustrate the evils resulting from this practice, it is only necessary to inform you, that, of the large number of bills presented for my approval, within a day or two of the adjournment of the last Legislature, I am constrained, by a sense of duty, to return, with my objections, twenty-three to the present Legislature, for re-consideration.

It is apparent from the exhibit of the financial condition of the General Government, recently made public, that the wants of the Federal Treasury will demand a revision of the existing tariff laws of the United States, with a view to an increase of the revenue derivable from imports. When this revision shall take place, it is greatly to be desired, that a proper regard for the industrial interests of the country will prompt the Congress of the United States, to place her revenue laws upon such a basis, as to afford to our great mining and manufacturing interests the largest incidental protection. To substitute specific for ad valorem duties, on a certain class of articles which from their nature



are of equal or nearly equal value,—or to change the foreign to a home valuation,—with a moderate increase of the rates now imposed, would I am satisfied, infuse new life and vigor into all the various departments of industry, and, at the same time, without imposing burdens upon the people, afford to the General Government a revenue amply sufficient for all its wants.

The early admission of the Territory of Kansas as one of the sovereign States of the Union, under a constitution legally enacted, and fully and fairly ratified by the direct votes of a large majority of the people of the Territory, will remove from the National Legislature a subject which has hitherto, in no inconsiderable degree, attracted the attention of the Nation, and which, from the nature and extent of the discussion in Congress, has been productive of much crimination and recrimination between the various sections of our common country. Popular Sovereignty having finally prevailed, in the full, free and fair adoption of the fundamental law of the Territory, according to the wishes of the people, this vexed and dangerous question, in that Territory, may now be considered as satisfactorily and perpetually settled.

Copies of the correspondence between the Governor of Virginia and the Governor of Pennsylvania, on the subject of the recent outrage at Harper's Ferry, are herewith transmitted to the Legislature. The letter addressed by the Governor of Virginia to the Governor of Pennsylvania, was missent to Harrisonburg, Virginia, and hence was not received until the first day of December, one day before the execution of John Brown; and, therefore, it was impossible to reply to it, by mail, in time to reach the Governor of Virginia before the execution. The answer was consequently sent by telegraph, which will account for its brevity and sententious character.



The recent seizure of the public property of the United States at Harper's Ferry, and the invasion of the State of Virginia, by a small band of desperadoes, with an intention to excite the slave population to insurrection, have drawn attention to the dangers which beset our federal relations. It is a source of satisfaction to know that the authorities of Virginia possessed the means and the determination to punish offenders with promptness and justice;—that the military force of the United States was a power immediately available to aid in putting down the outbreak against the public peace;—that the slave population were contented with their condition, and unwilling to unite with disorderly white men in acts of treason and murder;—and that the great masses of the people have no sympathy, whatever, with any attack upon the rights and institutions of any of the States, and have a deep and abiding devotion to our great and glorious Union. To us, as Pennsylvanians, it is gratifying to believe that the citizens of this Commonwealth have not, in any manner, participated in this unlawful proceeding, and to know that when some of the guilty perpetrators were arrested, within our jurisdiction, they were promptly surrendered to the justice of the offended and injured State.

The several States of this Union are independent sovereignties, except so far as they have granted certain enumerated powers to the Federal Government. In cases not provided for in the Federal Constitution, the several States, in their relations to each other, ought to be governed by the principles which regulate the conduct of civilized nations. These principles forbid, in all nations, "every practice tending to excite disturbance in another State;" and are founded on the maxim, that "different nations ought, in time of peace, to do one another all the good they can, without prejudicing their real interest." This maxim, recognized



by all civilized governments, applies with peculiar force to the several States of this Union, bound together, as they are, by a sacred compact for mutual support and protection; and, therefore, any attempt in one State, to excite insurrection in another, is an offence against all the States, because all are bound by the Constitution to put down such disturbance; and the act of Congress authorizes the President of the United States to call out the militia of the several States for the purpose. It is a high offence against the peace of our Commonwealth, for disorderly persons within our jurisdiction, to combine together for the purpose of stirring up insurrection, in any of the States, or to induce the slaves in the Southern States to abscond from their masters; and it would be proper, in my judgment, for the General Assembly to consider whether additional legislation may not be necessary to insure the prompt punishment of such offenders against our peace and security.

In determining our relative duties towards our sister States, the morality of sevitute is not an open question, for we are bound by the legal and moral obligation of the compact of the Union, under which we have been brought into existence, and preserved as independent States, as well as by the principles of international law, to respect the institutions which the laws of the several States recognize, and in no other way can we faithfully fulfil our obligations, as members of this confederacy.

While I entertain no doubt that the great Republican experiment on this continent, so happily commenced, and carried forward to its present exalted position, in the eyes of the world, will continue, under the Providence of God, to be successful to the latest generations, it is the part of wisdom and patriotism to be watchful and vigilant, and to carefully guard a treasure so priceless.—Let moderate counsels prevail—let a spirit of



harmony and good will, and a national fraternal sentiment be cultivated among the people, everywhere—North and South—and the disturbing elements which temporarily threaten our Union, will now, as they have always heretofore, assuredly pass away.

Pennsylvania, in the past, has performed her part with unfaltering firmness—let her now, and in the future, be ever ready to discharge her confederate duties with unflinching integrity. Then will her proud position entitle her, boldly and effectually, to rebuke, and assist in crushing, treason, whether it shall raise its crest in other States, in the guise of a fanatical and irrepressible conflict, between the North and the South; or assume the equally reprehensible form of nullification, secession, and a dissolution of the Union. Her central geographical position, stretching from the bay of Delaware to the lakes—with her three millions of conservative population—entitles her to say, with emphasis, to the plotters of treason, on either hand, that neither shall be permitted to succeed—that it is not in the power of either to disturb the perpetuity of this Union, cemented and sanctified, as it is, by the blood of our patriotic fathers—that, at every sacrifice, and at every hazard, the constitutional rights of the people and the States shall be maintained—that equal and exact justice shall be done to the North and to the South—and that these States shall be forever United.

We, as a people, have great reason to acknowledge the Providence of God, who rules over the nations of the earth. Under His guardianship, hitherto so signally enjoyed, we feel an unabated confidence in the permanency of our free government, and look forward, with cheerful hope, to a future glorious destiny. In the blessings that have crowned our own Commonwealth the past year—in the success that has accompanied all our industrial pursuits—in the steady advance of our educational institutions—in the quiet and



peace of our domestic homes—in all that can advance a nation's prosperity and happiness—we recognize the hand of the Great Giver of all Good.

WILLIAM F. PACKER.

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**CORRESPONDENCE BETWEEN THE GOVERNOR OF VIRGINIA AND THE GOVERNOR OF PENNSYLVANIA, REFERRED TO IN THE FOREGOING MESSAGE.**

[Governor Wise to Governor Packer.]

Richmond, Va., November 25, 1859.

To His Excellency, the Governor of Pennsylvania:

Dear Sir—I respectfully send to you the information contained in a letter to the President of the United States, of which the enclosed is a copy. I submit it to you in the confidence that you will faithfully co-operate with the authorities of this State in preserving the peace of our coterminous borders. Necessity may compel us to pursue invaders of our jurisdiction into yours; if so, you may be assured that it will be done with no disrespect to the sovereignty of your State. But this State expects the confederate duty to be observed, of guarding your territory from becoming dangerous to our peace and safety, by affording places of depot and rendezvous to lawless desperadoes who may seek to make war upon our people.

With the highest respect,

I am, sir, yours truly,

HENRY A. WISE.

[Governor Wise to James Buchanan, President of the United States.]

Richmond, Va., November 25, 1859.

To His Excellency, James Buchanan, President of the United States:

Sir—I have information from various quarters, upon which I rely, that a conspiracy, of formidable extent in means and numbers, is formed in Ohio, Pennsylvania, New York and other States, to rescue John Brown and his associates, prisoners at Charlestown, v. a. The information is specific enough to be reliable. It convinces me that an attempt will be made



to rescue the prisoners, and, if that fails, then to seize citizens of this State as hostages and victims in case of execution. The execution will take place next Friday as certainly as that Virginia can and will enforce her laws. I have been obliged to call out one thousand men, who are now under arms, and, if necessary, shall call out the whole available force of the State to carry into effect the sentence of our laws on the 2d and 16th proximo. Places in Maryland, Ohio and Pennsylvania have been occupied as depots and rendezvous by these desperadoes, unobstructed by guards or otherwise, to invade this State, and we are kept in continual apprehension of outrages from fire and rapine on our borders. I apprise you of these facts in order that you may take steps to preserve peace between the States. I protest that my purpose is peaceful, and that I disclaim all threats when I say, with all the might of meaning, that if another invasion assails this State or its citizens from any quarter, I will pursue the invaders wherever they may go into any territory, and punish them wherever arms can reach them.

I shall send copies of this to the Governors of Maryland, Ohio and Pennsylvania.

With due respect and consideration,

Yours truly,

HENRY A. WISE.

[Telegraphic Reply of Governor Packer to Governor Wise.]

State of Pennsylvania,

Executive Chamber. Harrisburg, Dec. 1, 1859.

To His Excellency, the Governor of Virginia, Richmond, Va.:

Sir—Your letter of the 25th, having been missent to Harrisonburg, Virginia, was not received until this morning. Of all the desperadoes to whom you refer, not a man, so far as I can learn, was a citizen of Pennsylvania; nor was their rendezvous (which you say was unobstructed by guards or otherwise), in this State, but in Maryland or Virginia. In relation to them, Pennsylvania has done her duty. Virginia has no right to anticipate that she will not do so in the future. The information you have received in regard to a conspiracy to rescue John Brown, will, undoubtedly, be found, in the sequel, utterly and entirely without foundation, so far as Pennsylvania is concerned. Nor will we permit any portion of our territory, along our borders, or elsewhere, to be made a depot, a rendezvous, or a refuge, for lawless desperadoes, from



other States, who may seek to make war upon our southern neighbors. When that contingency shall happen, the constitutional and confederate duty of Pennsylvania shall be performed; and, under all circumstances, she will take care to see that her honor is fully vindicated.

WM. F. PACKER.

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To the Assembly Vetoing "An Act in Relation to  
Actions of Ejectment."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "An Act in relation to actions of ejectment."

The bill provides, "that in actions of ejectment, where the defendant or defendants shall have neglected or refused to appear and plead on or before the term next after that to which the original process was made returnable, if said process shall have been duly served, the court shall direct a plea to be entered for the defendant or defendants, and the case shall proceed to trial and judgment as in other cases: Provided, That the writ shall have been so served on the party actually claiming the title."

The object of this bill is to enable the plaintiff to obtain the requisite number of verdicts to settle the title, under our act of Assembly, in cases where the defendant fails to appear and defend the action brought. Were it left optional with the plaintiff, whether to take a judgment by default, at the second term, or have the cause proceed to a regular jury trial, the bill would not only be unobjectionable, but would, I am satisfied,



be an improvement upon the existing law. But, according to the provisions of the bill under consideration, the plaintiff has no election in the matter. In all cases where default is made by the defendant, in his appearance and plea, the case must go to issue and trial before a jury. This would be productive of expense and delay, without, in many instances, being of any practical use or benefit. Actions of ejectment are frequently brought simply to recover possession, where the title is indisputable, and the sooner a judgment is obtained, no matter whether upon a verdict, or by default, the better for the owner. In such a case, to compel the holder of the legal title to go through the form of a jury trial, and to establish the validity of his title, where it is not gainsayed or questioned, would be as novel as it is unnecessary and unjust. Satisfied that the change proposed by this bill would mar rather than improve the existing law, I herewith return it to the Senate, where it originated, without the Executive approval, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate  
the Packer Iron Company."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last General Assembly, a bill was presented for the Executive approval, entitled "An Act to incorporate the Packer iron company." This bill proposes to incorporate a company to be called the "Packer iron company," with a capital of two hun-



dred and fifty thousand dollars, with power to increase the same to five hundred thousand dollars, to be "employed in mining ore, making and manufacturing iron, rolling railroad iron, mining coal and limestone, and transporting and vending the same, and for such other objects as may be necessary in the prosecution of said business."

I have uniformly withheld the Executive approval from bills of this character, and have repeatedly presented to the General Assembly my objections to such legislation.

By the act, entitled "An Act to encourage manufacturing operations in this Commonwealth," approved April 7, 1849, and its various supplements, provision has been made for the incorporation of manufacturing and mining companies, consequently special acts of incorporation for such purposes are entirely unnecessary. Nay, they are, in my judgment, not only unnecessary, but are subject to many and grave objections. With the history of past legislation in Pennsylvania before us, it can scarcely be necessary to say that a private bill, confined to a single locality, or limited in its application to a particular company, is not likely to receive at the hands of the legislature that consideration which its importance demands, and which is always given to a general bill applying to and affecting every part of the State. It, therefore, often happens, that from mere inattention, powers are granted which should be withheld, and restrictions omitted which ought to be imposed. As a necessary consequence it follows that each corporation has a law of its own; there is neither uniformity nor equality in the rights, privileges and immunities conferred, nor in the liabilities and restrictions imposed. Hence, that which one corporation may do with impunity, is expressly forbidden to another of precisely the same general character. One will be subject to a bonus and



onerous taxation, while another will be exempt from both. At one session of the Legislature, charters will be granted with a liberal hand for almost every conceivable purpose, with few restrictions; while, at another, they will be refused for similar purposes, or if granted, will be hedged in by the most stringent provisions. To illustrate the entire absence of uniformity, in important particulars, in special acts granting corporate powers, passed at the same session, I would respectfully call the attention of the General Assembly to the fact, that of nine bills for purposes nearly identical, passed near the close of the last Legislature, all of which will be returned without the Executive sanction, the provisions for the individual liability of stockholders are as various as the bills are numerous. While in some the stockholders are made individually liable for the payment of all or nearly all of the corporate debts, and the performance of the corporate contracts, in others, the individual liability is extremely limited in character and extent, and not one of them corresponds with the general law fixing the individual liability of stockholders in manufacturing and mining companies. Surely there should, in this respect, at least, be uniformity.

Under the general law, manufacturing and mining companies are required to pay to the Commonwealth a bonus of one-half of one per cent. on the amount of the capital stock of each company. In some of the bills now before me, and heretofore referred to, this bonus is limited to the amount of capital stock actually paid in; in others it is entirely omitted; and, in others still, it is made to correspond with the general law. Of the latter description is the particular bill under consideration. Why the practice of the government in the exaction of a bonus for corporate privileges for manufacturing and mining purposes, should not be uniform, and bear equally upon all, it is difficult to conceive.



Special acts of incorporation, if defensible at all, can only be justified where no general provision has been made by law for granting such charters. Great evils grow out of the defective machinery provided for the practical operations of companies organized under special laws. They claim to be exempt from the general law, and hence to remedy defects in their charters, frequent occasions arise for supplementary acts, which fill our statute books, although of no public interest, and occupy a large portion of the time and attention of the General Assembly, to the exclusion of more important subjects of legislation. Let it not be urged, that the general law is, in some of its details, objectionable and unnecessarily restrictive, and that companies decline to commence business operations under its provisions. If it were conceded that this assumption is founded in truth, instead of furnishing a reason for granting various and multifarious charters, crowding our law books with special legislation and our courts with litigation, it presents an irrefragible argument in favor of so modifying and amending the general law as to make it clearly meet the wants of the business community. A tithe of the time and labor employed in the passage of special charters, by each General Assembly, to avoid the provisions of the general law, if devoted to its amendment, would long since have perfected its details and made it acceptable to all. Then those having accepted charters and transacting business under it, would enjoy the benefit of the change. All would be placed upon a common platform, without the rivalry of kindred corporations having the unfair advantage of peculiar and special privileges secured to them by special legislation. If a modification of the law be deemed advisable, I will cheerfully co-operate with the General Assembly in effecting such proper amendments as may be considered promotive of the public interests, and conducive



to the prosperity of those engaged in mining or manufacturing pursuits.

Entertaining these views, I cannot approve this bill, nor those of a like character now before me; it is, therefore, in pursuance of the provisions of the Constitution, herewith returned to the Senate, in which it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Western Coal-Oil and Iron Company."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**A** BILL, ENTITLED "AN ACT TO INCORPORATE the Western coal-oil and iron company," was presented for my approval within ten days of the adjournment of the last Legislature.

In returning this day to the Senate, without the Executive approval, a bill, entitled "An Act to incorporate the Packer iron company," I stated somewhat at length my objections to bills of this character, to which I respectfully invite the attention of the General Assembly.

For the reasons therein stated, I herewith return the bill now before me to the Senate, in which it originated, without the Executive approval, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act Relating to the Claim of Thomas Morley," for Damages Done by the North Branch Canal.

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE 13TH OF APRIL LAST, A BILL WAS presented for my approval, entitled "An Act relating to the claim of Thomas Morley."

My objections to this bill are, first, that it is incongruous, and second, that it is unnecessary.

The first section directs the State Treasurer to pay to Thomas Morley seven thousand dollars, in full, for damages done to his real estate, in Wyoming county, by the construction of the North Branch canal, while the proviso directs the Auditor General, State Treasurer and Attorney General, to examine the claim of Thomas Morley, for damages, and if it shall appear to them that any damage has been sustained, then they are to give written notice to the president of the Sunbury and Erie railroad company, and to the president of the Upper North Branch canal company, and, after hearing the parties, the commissioners are to determine what amount of damages are due to the claimant; and, if the amount is not paid by the Upper North Branch canal company within thirty days, execution shall be issued against the company to collect the same.

The section, in the first place, names the sum due to the claimant, and directs the State Treasurer to pay it, and immediately follows the proviso appointing commissioners to ascertain if anything be due, and directing that the amount so found due shall be collected from the North Branch canal company by execution, without any provision for the entry of a judgment upon the report. Such a bill, in my judgment, ought never to become a law, even if it were necessary and proper



to pass a special act for the settlement of the claim. Happily, however, no necessity exists for any additional legislation on the subject, inasmuch as an act was passed by the last Legislature, providing a mode for the assessment and recovery of damages on the North Branch canal, embracing the present case, as well as all others of a similar character. It would, therefore, be manifestly improper to legislate for each particular claimant, or to provide separate and distinct modes for ascertaining their damages.

The bill is, therefore, herewith returned, without the Executive approval, to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Appoint Commissioners to Sell the North Western Railroad."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

ON THE 13TH DAY OF APRIL LAST, A BILL was presented for Executive approval, entitled "An Act to appoint commissioners to sell the North-Western railroad."

As indicated by its title, the bill names commissioners with authority to sell the North-Western railroad together with its franchises, at such time and upon such terms as they may think proper, and proposes to incorporate the purchasers as a new body corporate.

At the time the bill was presented to me for approval, I had reliable information that proceedings had



already been commenced in a court of competent jurisdiction, with a view to sell the aforesaid railroad and its franchises, upon a mortgage duly executed by the railroad company. Considering the proposed legislation an improper interference with the legal rights of the mortgage creditors, I withheld from it my assent. Subsequently to the passage of the bill, a sale has been had, under a decree in equity, made by the Supreme Court of the State, and, consequently, the bill would now be inoperative, even if it should become a law.

It is, therefore, herewith returned to the Senate, where it originated, without the Executive approval, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "A Further Supplement to an Act Regulating Lateral Railroads."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

ON THE DAY PRECEDING THE FINAL Adjournment of the last General Assembly, a bill was presented to me for approval, entitled "A further supplement to an act regulating lateral railroads."

The first and only section of the bill provides, "That when the owner or owners of any mines of iron ore, within the county of Blair, shall desire to construct a railroad therefrom, under the surface of the earth, he or they, their agents, engineers and artists, may enter upon the lands of other persons, in said county of Blair, where the said railroad enters under the sur-



face, and thereon mark out so much thereof as may be necessary for a place for the deposit of rock, slate and earth excavated in the working of said mines, not exceeding one acre, and he or they may appropriate and use the same for the purpose aforesaid, subject, nevertheless, to all the provisions and restrictions of an act, entitled 'An Act regulating lateral railroads,' passed the fifth day of May, one thousand eight hundred and thirty-two, and the supplements thereto." It will be seen that this bill proposes to take private property for private use, without the owner's consent. This is clearly unconstitutional.

To take from a man his property, without his consent, can only be done in the exercise of the right of eminent domain—a power belonging to every sovereignty. This, however, consists in the right to take private property for public, but not for private use.

There is, it is true, no express constitutional prohibition of a legislative enactment authorizing private property to be taken for private use; but no such prohibition was requisite, for it is not a legitimate exercise of the law-making power, to declare that one man may take another's property without his consent, even upon making compensation therefor.

All legislative power, not expressly or by clear implication withheld by the Constitution, may lawfully be exercised by the General Assembly. But, a power not legislative in its character, cannot thus be exercised, even though not expressly or impliedly withheld.

In the absence of any constitutional provision, private property might be taken for public use, without compensation to the owner, and his power might be given by the General Assembly to a public corporation; but, to avoid the manifest injustice of taking private property, even for public use, without paying for it a fair equivalent, the fourth section of the sev-



enth article of the Constitution declares, that "The Legislature shall not invest any corporate body, or individual, with the privilege of taking private property for public use, without requiring such corporation, or individual, to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken."

"Nor shall any man's property" (says the tenth section of the ninth article) "be taken or applied to public use, without the consent of his representatives, and without just compensation being made."

There is, it will be observed, no prohibition of the power to take private property for private use, without making compensation, because the power to take it for such a purpose did not exist in the Legislature; and, consequently, there was no necessity for restricting or limiting the exercise of such power.

To prevent misconstruction, it is proper to observe, that the constitutionality of the laws regulating lateral railroads, and private roads, has been sustained chiefly upon the ground that six per cent. of each grant of land was originally reserved by the State for roads and highways, and that, to this extent, the grantee held his land in trust for this purpose; and therefore, to give one man a right of way over the land of another, upon making compensation, was not to take one man's property and give it to another, without his consent. In other words, the grant from the Commonwealth was upon the implied condition that government might thereafter give to the public, or to private individuals, the right of way over or through the lands granted, and, to indemnify the grantee against injury thereby, six acres were, without charge, added to every hundred acres sold.

Although the bill under consideration is entitled "A further supplement to an act regulating lateral railroads," it, in fact, bears no affinity to the lateral rail-



road law, but is simply an attempt to take private property for private use, without the consent of its owner.

Believing that this cannot be done, and that this bill is clearly in violation of the Constitution, I am constrained to withhold from it the Executive approval, and herewith return it to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Directors of the Poor and House of Employment for the County of Washington."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

ON THE 13TH DAY OF APRIL LAST, A BILL was presented for my approval, entitled "An Act relating to the directors of the poor and house of employment for the county of Washington."

The first section of the bill provides, "that all claims now existing against the directors of the poor and house of employment for the county of Washington, shall be presented to the said directors for settlement and payment, on or before the first Monday of October.

o Domini, one thousand eight hundred and fifty-eight, and all claims hereafter arising against the said directors, shall be presented for settlement and payment within one year from their respective dates. And on the failure of any creditor to comply with the provisions aforesaid, he shall be forever barred from the recovery of his claims: Provided however, That



this section shall not be so construed as to create a bar to the recovery of any claim within the statutory period of six years, if the same is presented to said directors as herein before required."

The second section relates to the expenses of burying paupers, and contains nothing particularly objectionable.

The first section, however, which I have quoted at length, contains provisions to which the objections are most palpable, and in my opinion insuperable. It will be observed that the bill practically repudiates all existing claims against the directors of the poor of the county of Washington, by requiring the performance of an utter impossibility, to prevent such claims from being forever barred. According to the terms of the bill, claims due at the time of its passage, could not be enforced, unless they were presented on or before the 1st day of October, 1858, when the bill itself was not passed until April, 1859. This objection, alone, would be sufficient to prevent its approval.

But, as the period fixed in the bill, probably occurred by a mistake, it may not be amiss to remark that if the 1st of October, 1859, had been named instead of a day then past, the bill still could not have received the Executive approval.

In returning to the General Assembly at the session of 1858, a bill with a similar title, and containing similar provisions, I gave somewhat at length my reasons for not approving of that bill; which will be found in the Journal of the House of Representatives for that year, page 507, to which I respectfully call the attention of the Legislature.

For the reasons above referred to, the bill under consideration is herewith returned to the House of Representatives, where it originated, without my approval.

WM. F. PACKER.



To the Assembly Vetoing "A Supplement to an Act to Incorporate the Richmond and Schuylkill Passenger Railroad Company."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE DAY OF THE FINAL ADJOURNMENT of the last Legislature, a bill was presented for my approval, entitled "A supplement to an act to incorporate the Richmond and Schuylkill Passenger railroad company, approved March 26, 1859."

This bill provides, "that whenever the Richmond and Schuylkill Passenger railroad company shall find it necessary to occupy the track, or a portion of the track, of any other passenger railway company, on the route as laid down in the act incorporating said Richmond and Schuylkill Passenger railroad company, they are hereby authorized and empowered to do so, upon their paying to the company whose track, or portion of track, they may occupy, one-half of the cost of the construction of said track, or portion of track, the same to be ascertained by the return made by said company to the councils of the city of Philadelphia, as provided for in the ordinances regulating city passenger railroads: Provided, That the said Richmond and Schuylkill Passenger railroad company shall pay their proper portion of the expenses necessary to keep such portion of any such road or street through which it runs in repair."

I cannot approve this bill. It not only proposes to confer on a subsequent corporation franchises already granted to pre-existing companies, but it fixes the compensation to be made therefor, without allowing the companies, whose franchises are thus proposed to be taken, an opportunity of being heard upon the question of the amount of damages sustained.



Under the Constitution of this Commonwealth, private property cannot be taken for public use, without just compensation being made; nor can it be taken for private use, with or without compensation, without the consent of the owner. The property, including the franchises, of a corporation, like those of an individual, may be taken for public use upon compensation being made; but it may be seriously questioned, whether the taking of a franchise from one corporation, and conferring it upon another of precisely similar character, to be used for a like purpose, is such a taking for public use as is contemplated by the Constitution. Whether the whole or only a part of the corporate franchises be taken, does not, in my opinion, change the question. If a part can be lawfully taken, so can the whole. I do not say that this may not be done; but I am very clear that nothing but the most palpable and urgent necessity can justify such an exercise of legislative power. If, however, the power of the Legislature to authorize one railroad company to run its cars over the railway of another company, without its consent, be admitted, it surely will not be pretended that the owners of the franchise has not an unquestionable right to be heard in fixing the value of the grant, and the payments to be made, for its enjoyment. By the constitutional right to compensation, it is implied that it shall be an adequate compensation, and this carries with it the right of the party grieved to be heard in determining what is an adequate compensation. The determination of that question belongs, in the nature of things, to the judiciary, rather than to the Legislature. I am not to be understood that it must necessarily be tried in a court of justice, but it should be before a competent and impartial tribunal, where the parties can be present, and be heard by their witnesses, themselves, their representatives or their counsel. No one



can "be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land." A private act of Assembly, passed without notice, by which the property of one man is taken away and given to another, upon the payment of a sum named in the act, is neither the judgment of his peers, nor the law of the land. Take the case before us: The bill under consideration proposes to give to the Richmond and Schuylkill Passenger railway company the right to run its cars over certain other railways, upon paying one-half of the cost of construction, and a proper proportion of the expense of repairs. This may or may not be an adequate compensation for the privileges granted. The benefits and advantages conferred upon the one company, and the injuries and disadvantages to be sustained by the other, may largely exceed the moiety of the cost of construction and repairs. At all events, the parties to be affected are entitled to a hearing, and until that is had, no reliable judgment on the subject can be formed.

The proposed legislation, so far as I have been able to discover, is unprecedented—it is of doubtful constitutionality—and clearly improper, if the power exists.

For these reasons I have felt it my duty to withhold my signature from the bill, and to return it to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act for the Division of North and South Union Townships, in the County of Fayette, for all Purposes."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE 11TH DAY OF APRIL LAST, THREE days prior to the final adjournment of the last General Assembly, a bill was presented for my approval, entitled "An Act for the division of North and South Union townships, in the county of Fayette, for all purposes."

The reason assigned for the passage of this bill, is stated in the preamble to be, that the township of Union was divided, by an act passed in 1851, into two election districts. The thirteenth section of the act of the 15th of April, 1834, relating to counties and townships, and county and township officers, gives to the several courts of quarter sessions full authority, within their respective counties, to divide "any township already erected, and to alter the lines of any two or more adjoining townships, so as to suit the convenience of the inhabitants thereof, and to cause the lines or boundaries of townships to be ascertained and established." There is, therefore, no necessity for the passage of this special bill—full and ample provision having already been made for such cases by a general law.

My objections to bills of a similar character have been heretofore so frequently and fully stated, that it can scarcely be necessary to repeat them on this occasion. In a word, this is a local question, devoid of all general interest, and ought, therefore, to be determined by the local authorities appointed by law for its decision. How is it possible for the members of the Legislature to vote understandingly on the ques-



tion of a division of Union township, in Fayette county; or how is the Executive to be informed on the subject? The court of quarter sessions of the county can have all the facts of the case before it—a report from impartial viewers appointed to go upon the ground and fully investigate the facts of the case and the propriety of the division, and finally need only decide after having given to all parties feeling an interest in the question a full and fair hearing, either by themselves or their counsel. That justice will in such case be done, is not to be doubted. The law having devolved upon the courts the responsibility of dividing townships, and clothed them with all necessary powers to protect all private as well as public interests, which may be involved in the decision of the question; and believing the law, in all respects, wise and salutary, I would not disturb it by any special enactment. Nor can I see any reason for making the present case an exception to the general rule which has hitherto governed Executive action on similar questions.

The bill is, therefore, herewith returned to the House of Representatives, where it originated, without the Executive approval, for such action, on the part of the General Assembly, as, after a re-consideration of the question, it may deem wise and expedient.

WM. F. PACKER.



To the Assembly Vetoing "A Supplement to an Act for the Relief of the West Chester Railroad Company, and for Other Purposes."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE 14TH DAY OF APRIL LAST, A BILL was presented for the Executive approval, entitled "A supplement to an act for the relief of the West Chester railroad company, and for other purposes, approved the 16th day of April, A. D. 1838."

The first section of the bill declares, "that so much of the act to which this is a supplement, which relates to the president, managers and company of the Port Clinton bridge, near the forks of the river Schuylkill, be and the same is hereby renewed and revived, and shall have the same force and be as effectual as when first passed into a law."

By referring to the eighth section of the act sought to be revived and established in full force, it will be found that the commissioners of the counties of Schuylkill and Berks, or a majority of them, are authorized to subscribe for such number of shares of the capital stock of the bridge company as they may deem expedient. At the time the original act was passed, the Constitution of Pennsylvania did not prohibit municipal corporations from subscribing to the capital stock of incorporated companies; but now, by the seventh section of the eleventh article of the Constitution as amended, it is expressly declared, that "the Legislature shall not authorize any county, city, borough, township or incorporated district, by virtue of a vote of its citizens or otherwise, to become a stockholder in any company, association or corporation, or to obtain money for, or loan its credit to, any cor-



poration, association, institution or party." In view of this provision of the Constitution, the Legislature is powerless to revive, and to give force and effect to so much of the original act incorporating the president, managers and company of the Port Clinton bridge, as authorizes the commissioners of the counties of Berks and Schuylkill to subscribe to the capital stock of the company.

Should this bill become a law, its effect would probably be to revive the other portions of the original enactment; but where any part of a bill is clearly in violation of the Constitution, the duty of withholding from it the Executive sanction becomes imperative. It can make no essential difference whether the proposition be to revive an old enactment, which has become nugatory by lapse of time, or to adopt a new statute, for the practical effect in each case is the same.

Believing that the General Assembly has no constitutional warrant to enact what this bill proposes, it is herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act for the Relief of Augustus J. Kuhn, of Lancaster County, a Soldier of the War of 1812."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

ON THE DAY OF THE FINAL ADJOURNMENT of the last General Assembly, a bill was presented for Executive approval, entitled "An Act for the relief of Augustus J. Kuhn, of Lancaster county, a soldier of the war of 1812."



The preamble to the bill states that Augustus J. Kuhn entered the service of the United States as a soldier in the war of 1812, and that at the time he so entered he was a sound, able bodied, and temperate man; but that in the discharge of his duty as a soldier, he contracted disease and subsequently became deaf, and affected in his eye sight, and unable to attend to his business as a druggist.

The first and only section of the bill directs the State Treasurer to pay to the said Augustus J. Kuhn a gratuity of forty dollars, and an annuity of forty dollars during his life, payable half yearly, commencing on the first day of May, A. D. 1859.

A sense of duty compels me, reluctantly, to refuse the Executive sanction to this bill. The facts stated in the preamble constitute a strong appeal to the justice and liberality of the General Government, in whose service the duty was performed, and the loss of health sustained. An application made to the Congress of the United States, or to the proper department of the government, in behalf of this disabled, invalid soldier, would undoubtedly meet with a favorable response.

Pennsylvania, it is true, has for a series of years, granted gratuities and annuities to the very few remaining soldiers of the Revolution; but she has never extended her generosity beyond the soldiers, and widows of soldiers of the war of Independence, and the Indian wars immediately following it. Nor in my judgment, is it proper for her now to increase her pension list. If it is extended, it should be made to embrace all having similar claims upon our sympathy. And this would most likely be the result if this bill were permitted to become a law. When such a movement is made, is it not eminently proper that the subject should be fully discussed and properly understood?



It may well be doubted whether it is not better to leave the whole system of pensions for national services to the National Government; so that the public bounty may be bestowed equally upon all according to merit, and without reference to the residence of the soldier before he entered on duty, or the particular State in which he may locate after the war is over. The General Government, with her immense revenue, can well afford to be generous as well as just to the gallant old soldiers who so nobly sustained her flag in her second war of independence.

The small sum of money which the bill under consideration proposes to grant annually to Augustus J. Kuhn, is comparatively of little consequence to the State; but this precedent upon the statute book would be the prelude to thousands of applications for pensions and gratuities from soldiers, and widows of soldiers of the war of 1812, and to the annual payment of large sums of money from the Treasury of the Commonwealth for services rendered to the United States. Those services constitute a fair claim upon the Treasury of the nation, and will doubtless ultimately be fully and freely recognized by the General Government.

These considerations have induced me to withhold the Executive approval from the bill before me. It is, therefore, herewith returned to the House of Representatives, where it originated.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Authorize the Appointment of Commissioners to Examine and Adjust Certain Claims, Et Cetera."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE DAY OF THE ADJOURNMENT OF THE last General Assembly, a bill was presented for the approval of the Executive, entitled "An Act to authorize the appointment of commissioners to examine and adjust certain claims, et cetera."

The preamble to the bill recites, that the Commonwealth has certain claims against James J. Dull, and that the said Dull has claims against the Commonwealth; and the first section provides, "that the Auditor General is hereby authorized to settle and adjust the mutual claims of the parties aforesaid: Provided, That the said claims be presented to the Auditor General within sixty days after the passage of this act." So far the bill is unobjectionable. The second section, however, provides for the meeting of commissioners to settle the same claims. The two sections are entirely inconsistent and irreconcilable with each other. Consequently the bill, were it to become a law, would be of no practical benefit to the parties interested in its passage. For this reason, I herewith return it to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act Extending the Limits of the Borough of Beallsville, in the County of Washington, for School Purposes."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT EXTENDING the limits of the borough of Beallsville, in the county of Washington, for school purposes," was presented for my approval on the 14th day of April last.

It proposes to attach certain specified portions of the adjoining township, belonging to and occupied by certain inhabitants named, to the borough of Beallsville, for school purposes, and is therefore objectionable, because it interferes with the provisions of the general school law, which makes each township and borough a school district. This organization of districts secures greater equality of municipal rights and responsibilities, and greatly promotes the interests of the schools. The policy of the school law, in this respect is undoubtedly wise and salutary, and should not be departed from, except in cases of extreme necessity; and for such, sufficient provision has already been made by law, through the agency of the courts. The territory in question should be annexed to Beallsville for all borough purposes, or none; and, if the inhabitants named in this bill will not consent to the first proposition, they have no just cause of complaint in being denied special privileges by special legislation, that cannot be granted to others without destroying the integrity and harmony of the school system in one of its most essential and commendable features.

If the citizens asking this legislation have not proper school facilities in the township, they can exert



their influence with the directors or at the ballot box, to secure a reformation of the school affairs of the district; or they can apply to the court of quarter sessions for the removal of such members of the board as are unfaithful to their trust, and the appointment of suitable persons in their place. If the difficulty be owing to the inconvenient location of their proper school house, an arrangement by which their children may be received into the Beallsville schools, if there be room for them, can be made and enforced under the terms of the ninth division of the twenty-third section of the act of 1854, which provides, that "if it shall be found that, on account of great distance from, or difficulty of access to, the proper school house in any district, some of the pupils thereof could be more conveniently accommodated in the schools of an adjoining district, it shall be the duty of the directors or controllers of such adjoining district to make an arrangement by which such pupils may be instructed in the most convenient school of the adjoining district; and the expense of such instruction shall be paid as may be agreed upon by the directors or controllers of such adjoining district."

Aside from the insuperable objections upon principle, which have been mentioned, the bill is defective in permitting the right of suffrage, for school purposes, on the part of the persons named, in the township from which they have been detached; or, if that be not the true construction of the ambiguous provisions of the section, then the bill deprives them of the right of suffrage for school purposes in the township, and does not confer it upon them in the borough, and they are, to that extent, disfranchised.

Believing that, for the reasons stated, this bill ought not to become a law, it is herewith returned to the House of Representatives, where it originated, without the Executive approval.

WM. F. PACKER.



To the Assembly Vetoing "An Act Authorizing the Laying out of a State Road from the Centre Turnpike, near Hannershits' Church, via Stout's Ferry Bridge, to a Point near Frank Hains' Tavern in Berks County."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

ON THE 11TH DAY OF APRIL LAST, THREE days before the final adjournment of the General Assembly, a bill was presented for my approval, entitled "An act authorizing the laying out of a State road from the Centre turnpike, near Hannershits' church, via Stout's Ferry bridge, to a point near Frank Hains' tavern, in Berks county."

The object proposed to be attained by the passage of this bill, is sufficiently indicated by the title. The route for the road authorized is entirely within the limits of Berks county, and although it is denominated a State road, it is, nevertheless, simply a local road, completely within the jurisdiction of the court of quarter sessions of that county. The people of Berks county have the greatest interest in the proper location of the public roads and highways within their own county, and the whole control of that question is rightly committed to their own courts, which are fully competent to determine whether any, and if any, what roads shall be laid out and opened. In establishing local tribunals and conferring on them full power to act in the premises, the Legislature has discharged its duty—the remainder of the work, to be intelligently and properly performed, should be done by the citizens of the county, under the direction and supervision of judges chosen by those who are immediately interested in the work to be accomplished.

Members of the Legislature, coming from other and remote counties in the State, cannot, in the nature of



things, be informed of the relative merits of an application for a public road in Berks county, and ought not to be asked either to locate such road, or to appoint citizens of that county to act as viewers to perform that duty. The law has confided the appointing power in such cases to a home tribunal, responsible to the people of the county, certainly much better informed on the subject, and entirely competent to its performance.

I have invariably refused the Executive sanction to bills of this character; and hence, in accordance with the policy heretofore adopted, and for the reasons herein stated, this bill is herewith returned to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the East Scranton Improvement Company."

Executive Chamber,

Harrisburg, January 5, 1860.

Gentlemen:—

ON THE 13TH DAY OF APRIL LAST, THE DAY preceding the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An Act to incorporate the East Scranton improvement company."

This bill is in all respects, except the title and the names of the corporators, identical with the bill, entitled "An Act to incorporate the New York and Carbondale coal company." this day returned with my objections to the House of Representatives; and I respectfully refer the attention of the General Assembly to the message accompanying said bill, for the



reasons which impel me to decline approving the bill now under consideration, which I herewith return to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**I** HEREWITH RETURN TO THE HOUSE OF REPRESENTATIVES, in which they originated, the bills entitled as follows, viz:

“An Act to incorporate the Allen rolling mill.”

“An Act to incorporate the Bethlehem mining company.”

“An Act to incorporate the Hope manufacturing company.”

“An Act to incorporate the Perry coal and oil company.”

“An Act to incorporate the Rebecca iron company.”

“An Act to incorporate the Lehigh iron company.”

“An act to incorporate the Harmony Anthracite coal company.”

The foregoing bills were severally presented to me for approval within ten days of the adjournment of the last Legislature. They have not been approved; but are now returned, with my objections, which will be found in a message of this date, returning to the Senate, without my approval, the bill entitled “An act to incorporate the Packer iron company,” to which the attention of the General Assembly is respectfully referred.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Incorporate the New York and Carbondale Coal Company."

Executive Chamber,  
Harrisburg, January 5, 1860.

Gentlemen:—

**O**N THE DAY OF THE FINAL ADJOURNMENT of the last General Assembly, a bill was presented to me for approval, entitled "An Act to incorporate the New York and Carbondale coal company."

Although this bill, by its title, purports to be an act for the incorporation of a coal company, it is in reality a proposition to incorporate a company with power to "purchase, hold and convey real and personal estate, to an amount not exceeding one millian of dollars, and not less than one hundred thousand dollars." Were the bill to become a law, and the company to be organized, the only corporate business that could lawfully be done by it would be the purchase and sale of real and personal estate. Is it necessary or prudent to create corporations for such a purpose? The purchase and sale of real and personal estate are among the ordinary avocations of life—they embrace the every day business transactions between man and man—and it has yet to be demonstrated that they cannot be as wisely and satisfactorily made by individuals and co-partnerships as they can by corporations. As well might corporations be created for the purpose of buying and selling merchandize, keeping public houses, buying and selling horses or cattle, or any other lawful business whatever, as for the accomplishment of the purposes mentioned in the bill under consideration. Indeed, it is questionable whether many of those objects are not, by a liberal construction, embraced in the bill.

If the intention of the framers of this bill was to aggregate a large amount of capital, and invest it in



the purchase of real estate in Pennsylvania, in order to hold it until large profits can be realized by its sale in small parcels, at a greatly enhanced price, it may well be doubted whether such a monopoly would prove beneficial to the public, or afford a safe precedent for the future. The quantity of land which the company may hold, so that it does not exceed in value one million of dollars, is unlimited, and its location is undefined. The character and the quantity of the personal estate which it may buy and sell, within the limits named, is left to the discretion of the board of directors. While it has a name, it has no local habitation. In my opinion the policy of creating such a corporation is more than problematical. The experiment is fraught with danger. Special privileges should only be granted where their exercise would clearly and manifestly promote the public welfare. As no public good can possibly result from the creation of more speculative or trading corporations, and as this bill is manifestly of that character, I am in the discharge of a plain duty in withholding from it the Executive approval.

The bill is, therefore, herewith returned to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

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To the Senate Nominating Wm. R. DeWitt to be  
State Librarian.

Executive Chamber,  
Harrisburg, January 10, 1860.

Senators:—

**I**N CONFORMITY WITH THE ACT OF THE GENERAL Assembly, approved the 25th day of January, A. D. 1854, I do hereby nominate, for the advice and consent of the Senate, Wm. R. DeWitt, of Dauphin



county, to be State Librarian, for the period of three years from the first Monday in February next.

WM. F. PACKER.

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To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, February 22, 1860.

Gentlemen:—

I HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where they originated, for re-consideration, in pursuance of the provisions of the Constitution, the bills entitled as follows, viz:

“An Act to incorporate the Cambria coal company.”

“An Act to incorporate the Sullivan County coal company.”

For the reasons which constrain me to disapprove these bills, I respectfully refer the attention of the General Assembly to the message transmitted to the Legislature on the 5th day of January, ultimo, in returning, with my objections, the bill passed at the last session, entitled “An Act to incorporate the Packer iron company.”

WM. F. PACKER.



To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 8, 1860.

Senators:—

**I DO HEREBY NOMINATE, FOR THE ADVICE**  
and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, A. G. Waterman, Esq., of the city of Philadelphia, and Philip Dougherty and John H. Briggs, Esqrs., of the county of Dauphin, to be trustees of the Pennsylvania State Lunatic hospital, for three years from the 16th of the present month.

WM. F. PACKER.

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To the Senate Nominating Thomas H. Burrowes  
to be State Superintendent of Common Schools.

Executive Chamber,  
Harrisburg, March 8, 1860.

Senators:—

**I DO HEREBY NOMINATE, FOR THE ADVICE**  
and consent of the Senate, in conformity with the provisions of the act of Assembly of the 18th of April, 1857, separating the State and School Departments, Thomas H. Burrowes, Esq., of the city of Lancaster, to be Superintendent of Common Schools of this Commonwealth, for three years from the first Monday of June next.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Incorporate the American Steam Plow Manufacturing Company, of Lancaster County."

Executive Chamber,  
Harrisburg, March 14, 1860.

Gentlemen:—

**A** BILL, ENTITLED "AN ACT TO INCORPORATE the American Steam Plow manufacturing company of Lancaster county, has been presented for my approval.

By a supplement to the general manufacturing law, approved April 1st, 1853, provision has been made for the incorporation of companies formed for the manufacture of articles from "iron and other metals," or "from wood, iron and other metals." This extension of the law clearly embraces such companies as the one proposed to be incorporated by the bill under consideration; and, therefore, in accordance with the rule which I have heretofore invariably followed, I am constrained to withhold from it the Executive approval.

It cannot be necessary again to repeat the reasons which have influenced me in declining to approve of special acts of incorporation for mining or manufacturing companies embraced within the provisions of the general law and its supplements; but I would respectfully refer the General Assembly to former communications from the Executive on this subject, where my views have been given in detail.

Consistency, as well as a clear conviction of duty, demands a strict adherence to the policy heretofore indicated relative to this species of legislation; and, accordingly, the bill is herewith returned to the Senate, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Provide for Fencing Part of the Cleveland and Pittsburg Railroad, and for the Better Protection of Property in Beaver County."

Executive Chamber,  
Harrisburg, March 14, 1860.

Gentlemen:—

**A** BILL HAS BEEN PRESENTED FOR EXECUTIVE approval, entitled "An Act to provide for fencing part of the Cleveland and Pittsburg railroad, and for the better protection of property in Beaver county."

The first and only section of the bill provides, "That the Cleveland and Pittsburg railroad company shall, within six months after the passage of this act, erect and thereafter maintain good and sufficient fences along the line of their road, within the county of Beaver, wherever the same may be necessary, together with such cattle-guards and other erections and devices as are required in connection with such fences, for the said object of protection and prevention; and, upon default of said company to erect such fences, cattle-guards, erections and devices, as aforesaid, said company shall pay full damages for any injury to person or property occasioned by such default, to be collected as other debts of like amount are by law collected."

My objection to this bill is, that it imposes on the Cleveland and Pittsburg railroad company, so far as it is located in Pennsylvania, a liability from which every other railroad company in the Commonwealth is exempt. These companies are now liable to respond in damages for all injuries which may be sustained by reason of the negligence of their officers, agents or employes, and the records of our judicial tribunals show that this liability is enforced to its fullest ex-



tent; but it has never been held that a failure to construct a fence along the line of its road was negligence in a railroad company. On the contrary, it is a rule of law, well settled in this and several of our sister States, that where cattle are suffered, by their owner, to go at large, and they stray upon a railroad, fenced or otherwise, and are killed, no recovery can be had, by the owner, against the railroad company for the loss of his cattle; but that he is himself liable for any injury which may accrue in consequence of such obstruction to the track of the railway. This salutary rule is founded upon the consideration that the rights and safety of the public are paramount to the convenience of an individual; and the history of the past proves conclusively that the preservation of the lives of the thousands who daily pass over our railroads, in a great degree depends upon its strict enforcement. .

It is proposed by this bill, that so far as the Cleveland and Pittsburg railroad is concerned, or at least that part of it located in Beaver county, the measure of liability shall not depend, as heretofore, solely on the question of negligence, but on the fact of whether the road is fenced or otherwise. If such a relaxation or change of the principle alluded to would be an improvement of the law, (of which I am by no means satisfied,) instead of being confined to a particular railroad in a single county, it should be made to apply to all the railroads in the Commonwealth. Were this bill to become a law, a recovery might be had against the Cleveland and Pittsburg railroad company for damages occasioned by the killing of a horse or a cow found on the track of the company's railway, while the owner would himself be liable for damages, if the same animal had been killed on the track of the Pittsburg, Fort Wayne and Chicago railroad, in the same county. A change in the rules of law, producing a result so strikingly unjust and anomalous, must nec-



essarily be unwise and injudicious, and, therefore, should be avoided.

Believing, for the reasons stated, that this bill ought not to become a law, I herewith return it, without the Executive approval, to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Mount Joy Savings Institution, Approved the 13th day of May, A. D. 1853."

Executive Chamber,  
Harrisburg, March 15, 1860.

Gentlemen:—

I RETURN, HEREWITH, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where it originated, the bill, entitled "A supplement to an act to incorporate the Mount Joy savings institution, approved the 13th day of May, A. D. 1853."

The Mount Joy savings institution was incorporated under the provisions of an act approved the 13th day of May, 1853, with a capital of fifty thousand dollars, and with corporate privileges, such as are usually granted to similar institutions. The bill under consideration proposes to change the name of the corporation to that of the Mount Joy Bank; to confer upon the company full banking privileges, including the right to issue bank notes, and to enlarge the capital stock in the sum of twenty-five thousand dollars, with power to increase the same by the additional sum of seventy-five thousand dollars. Substantially, this proposition is to create a new bank of issue, with an authorized capital of one hundred and fifty thousand dollars.



I have heretofore, in communications to the General Assembly, repeatedly expressed my determination not to give the Executive approval to bills chartering additional banks, without a radical change of the entire banking system. For the reasons which have led me to this conclusion, and for a statement of my views upon the subject generally, I respectfully refer the Legislature to my inaugural address, and to the annual messages which I have had the honor of communicating to the General Assembly.

Being thoroughly impressed with the conviction that the mode of creating banks of issue which has hitherto prevailed in this Commonwealth, is wrong in principle, and that existing laws are wholly inadequate to the creation and maintenance of a safe paper currency, I should consider myself derelict in the performance of a high duty, were I to give the Executive sanction to the creation of additional banks, without any reform in our general banking laws. To grant new charters under our present system, is calculated to aid in defeating all attempts to change it. But let it be understood that a fixed determination exists on the part of the Government to grant no more special charters, and that hereafter no power shall be given to any man, or body of men, to circulate, as money, his or their promissory notes, without first securing their redemption beyond a contingency, and the required change will speedily follow. If the necessities of trade and the advancement of our business interests require increased banking capital and additional banking facilities, let a well digested general banking law be adopted, affording ample and certain provision for the security of the noteholders, and then the privileges to be exercised and the benefits conferred will be common to every individual and to all sections of the State—while, at the same time, the circulating notes will be founded upon a secure and substantial basis,



and may pass freely, among all classes, without any fear that they will prove valueless in the hands of the last unfortunate holder. I have no objection to the savings institution which this bill proposes to change to a bank of issue, nor to the place of its location, but for the simple, but cogent reason, that I am utterly opposed to any and all increase of banks, under existing laws. I deem it an imperative duty to withhold my approval from this bill, and to return it for reconsideration, in accordance with the provisions of the Constitution.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relative to the Estate of Levi D. Seltzer, Late of the State of Louisiana, Deceased."

Executive Chamber,  
Harrisburg, March 16, 1860.

Gentlemen:—

**A** BILL, ENTITLED "AN ACT RELATIVE TO the estate of Levi D. Seltzer, late of the State of Louisiana, deceased," has been presented for my approval.

After reciting, in its preamble, that Levi D. Seltzer, a citizen of New Orleans, died in the borough of Harrisburg, in the State of Pennsylvania, unmarried and without issue, leaving, by will, his property to his brothers, sisters and nieces, the bill provides that all the estate of which the said Levi D. Seltzer died seized and possessed, and which, at the time of his decease, was not within the limits of the State of Pennsylvania, shall be released from all collateral inheritance tax whatever.



I cannot approve this bill, for many reasons. If, as stated in the preamble, Levi D. Seltzer, at the time of his death, was a citizen of New Orleans, this bill is entirely unnecessary, for, where neither the property, nor the domicil of the owner, is within the State at the time of his death, no collateral inheritance tax can be charged upon the estate of the decedent, or any part of it. But, if at the time of his death, the domicil of the testator was within the Commonwealth of Pennsylvania, his real and personal estate within the State is subject to the payment of the collateral inheritance tax; and, so far as the personality, at least, is concerned, whether within or without the limits of the State, the tax is properly chargeable upon all that the testator possessed at the time of his decease. If the estate in question is liable to the collateral inheritance tax, under the rules of law as they have been settled in other cases, I know of no reason why it should be relieved from the payment of the tax; and, if it is not liable, then the proposed legislation is of no avail. This question of liability depending, as it does, in relation to property out of the State, entirely on the question of domicil, is one peculiarly proper for the investigation of our judicial tribunals; but, it may not be amiss to remark, that from the cursory examination which I have been enabled to give this case, it is, to my mind, clear that at the time of his death the testator was a resident of the borough of Harrisburg. In his will he describes himself as of Harrisburg, in the county of Dauphin, and State of Pennsylvania; and, in devising his real estate, he mentions one portion as the house wherein he then resides. Stronger evidence of domicil than the testator's own written declarations, just previous to his death, could scarcely be imagined. Believing, as I do, that the recital in the preamble that Levi D. Seltzer was, at the time of his death, a citizen of New Orleans, is unsustained by the



facts of the case, and that this mistaken recital was calculated to mislead the General Assembly, I have deemed it my duty to return the bill, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Supplemental to an Act for the Incorporation of the Pittsburg, Kittanning and Warren Railroad Company."

Executive Chamber,  
Harrisburg, March 19, 1860.

Gentlemen:—

**A** BILL, ENTITLED "AN ACT SUPPLEMENTAL to an act for the incorporation of the Pittsburg, Kittanning and Warren railroad company," is herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

The second section of the bill proposes to make a material change in the right of shareholders to vote at the election of officers, and in conducting the affairs of the company. A change which, in my opinion, is highly objectionable if made without or against the assent of the shareholders, and the bill contains no provision submitting it to their approval.

Under the general railroad law, each share of stock entitles the holder to one vote; but by a special act in relation to this company, passed April 14, 1852, certain counties, through which the railroad was to pass, were authorized to subscribe to its capital stock, and the same act provided, that in all elections by the company the stock held by counties and corporations



should be voted as follows: One vote for every share not exceeding ten; one vote for every ten shares thereafter, not exceeding one hundred, and one vote for every fifty shares of additional stock. Under the authority contained in this act, large subscriptions were made by counties and boroughs to the stock of the company, and the stock thus subscribed is clearly entitled to be voted in the manner pointed out by the act authorizing the subscription. To lessen the number of votes to which the holders of the stock of this corporation are now legally entitled, is to decrease the value of the stock itself. The proposition in the bill under consideration, is to give one vote for each share not exceeding ten; two votes for every five shares above ten, and not exceeding thirty; one vote for every five shares above thirty, and not exceeding fifty; and for all shares above fifty, no votes are to be given. This would, in effect, almost disfranchise the holders of large amounts of the stock, and thus leave the company chiefly under the control of those who had but little interest in its capital. The necessity for such a change as the one proposed ought to be made apparent to justify legislative interference. I confess that I have not been able to perceive such obvious necessity. It is, to my mind, eminently proper that the number of votes to which the owners of this stock are respectively entitled, should continue the same as when the subscriptions were made, and that the subscribers should not be divested of their rights, and the control of their property, in this summary way, without their assent.

WM. F. PACKER.



To the Assembly Vetoing "An Act Relative to Common Schools of the Borough of Allentown, Lehigh County."

Executive Chamber,  
Harrisburg, March 21, 1860.

Gentlemen:—

**O**N THE 13TH INSTANT A BILL WAS PRESENT-  
ed for my approval, entitled "An Act relative  
to common schools of the borough of Allentown,  
Lehigh county."

The bill provides that from and after the passage of the act, it shall not be lawful for the board of directors of the Allentown school district, in the county of Lehigh, to receive into the common schools of that district any pupils under the age of six years.

By the twenty-third section of the act, entitled "An Act for the regulation and continuance of a system of education by common schools," approved the 8th day of May, 1854, it is made the duty of school directors to establish a sufficient number of common schools for the education of every individual above the age of five and under twenty-one years, in their respective districts. This section is in force in every school district in this Commonwealth, and, without discussing the comparative merits of the bill in question, it is too plain to admit of argument, that the uniformity of the system should be maintained, and that if a change is advisable, it should be made operative throughout the State, and not in a single school district. Why should children between the ages of five and six years be excluded from the common schools of the borough of Allentown, while they are admitted by law into such schools in every other district in the State to which the common school law is applicable? It is no answer to this question to say, that the people of Allentown desire the change; for if it be



conceded that this is a sufficient reason for changing our common school law, we would very soon have nothing deserving the name of a general system. Each county, and in many instances, each township, would be governed by its own local law, which, in the management and direction of the system by county and State Superintendents, could not fail to lead to inextricable confusion.

I am aware that we cannot have entire uniformity in all our legislative enactments, for some statutes must necessarily be local in their character and application; but it is clear to my mind that our common school law does not belong to that class, and, therefore, I am entirely opposed to making partial changes in the system, and thus giving to different districts, distinct rules for the government of their respective schools. The law of 1854 should remain on the statute book intact, until it is thoroughly tried, and then, if found defective, let the amendment be as general in its application as the law itself. In no other way can our great and invaluable school system be matured and perfected, so as to fully realize the hopes and expectations of the wise and patriotic men under whose auspices it was founded.

Believing the proposed change to be unwise, and, as an example, fraught with mischief, because it must inevitably disturb the unity and harmony of the general school law, I cannot give it my sanction. The bill is, therefore, herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration, in accordance with the requirements of the Constitution.

WM. F. PACKER.



To the Senate, Nominating Charles D. Hineline to  
be Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, March 21, 1860.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, Charles D. Hineline,  
Esq., of the county of Dauphin, to be Superintend-  
ent of Public Printing, agreeably to the provisions of  
the act of the 9th day of April, A. D. 1856, entitled "An  
act in relation to public printing."

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate  
the Mifflin County Bank."

Executive Chamber,  
Harrisburg, March 22, 1860.

Gentlemen:—

**A BILL HAS BEEN PRESENTED FOR MY AP-**  
proval, entitled "An Act to incorporate the Mif-  
flin County Bank."

The bill proposes the incorporation of a bank to be located in the borough of Lewistown, in the county of Mifflin, with a capital of one hundred thousand dollars, with power, in the commissioners, to increase it to two hundred thousand dollars, and with the further power in the president and directors to increase it to five hundred thousand dollars. The shares are each to be one thousand dollars, and no person can subscribe for less than five shares. The number of stockholders cannot be less than three, nor more than thirty, and each stockholder shall be a director.



When one hundred shares of stock shall have been subscribed, and ten dollars paid on each share to the commissioners, and mortgages given by the stockholders on unincumbered real estate, within this Commonwealth, appraised at a sum equal to the par value of the stock, letters patent are to be issued by the Governor to the corporators, and when the mortgages provided for shall have been deposited with the Auditor General, and the cashier shall certify under oath that twenty-five per centum of the capital stock subscribed has been paid in, the Auditor General is required to deliver to the bank, notes properly prepared in blank to the amount of the capital stock, which notes, after being signed by the proper officers, may be issued by the bank and circulated as money, according to the ordinary course of banking.

I have heretofore stated, among the principal objections to the existing banking system of this Commonwealth: First. That a special act of the General Assembly was an indispensable prerequisite to the incorporation and establishment of a bank, thus conferring, by special legislation, upon a favored few, powers and privileges which were denied to others equally responsible and deserving; and, Second. That no adequate and reliable security is provided for the prompt redemption, beyond all contingencies, of the promissory notes which may be issued by such bank, and circulated as money. These objections have prompted me to make known to the Legislature and the people, that I could not approve of any additional special charters for banks of issue under the laws now in force in this State. Nor have they, in my opinion, been removed or obviated by the bill under consideration. It is a special charter, and the security it proposes for the redemption of the circulating notes of the bank proposed to be created, I am satisfied would prove utterly delusive and insufficient. Mortgages on real



estate, at its full value, situated in any part of the Commonwealth, improved or unimproved, to be taken at an appraisement, would, beyond all controversy, be found but a very inadequate means of insuring prompt payment to the holders of the notes of a bank which had stopped payment at its counter. So far as I have been able to learn, the plan of banking on real estate security, although often attempted, has uniformly proved an absolute failure, even when confined to improved lands, and it will hardly be pretended that the system will be made better by extending it to all manner of real estate, whether improved or otherwise, as this bill proposes. Of late years, it has been either wholly, or in part, abandoned. One great reason is, its inconvertibility, even when appraised at its real value. The payment of mortgages can only be enforced, after great delay, by tedious proceedings in our courts of justice, and generally at a ruinous sacrifice; but where a forced sale could be made at a fair price, the delay which must necessarily occur would seriously lessen the value of the notes. It is, however, undeniably true, that, in a vast majority of cases, the amount raised, after payment of expenses, falls greatly below the estimated value of the property and in the end the securities would thus be absorbed, and the outstanding issue in a great measure still left unredeemed.

The twenty-five per centum on the amount of the capital stock required to be paid by the shareholders, together with their personal liability, would of course afford some additional security; but the history of the past shows conclusively that such security is entirely worthless in the case of a broken bank. On the other hand, experience has shown with equal clearness, that the only mode yet adopted by which the circulation of a bank can be made perfectly safe, at all times and under all circumstances, is by the deposit of securities



which can be converted into money without the danger of depreciation, or the necessity of delay. So far as it may depend upon my action, I am determined that the laws of the State shall not sanction the further issue of paper money as a circulating medium, without placing its prompt redemption beyond a peradventure. And as the bill under consideration does not, in my opinion, fulfill that requirement, I am constrained to return it without the Executive sanction, with these, my objections, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Speaker of the Senate Concerning the Sugar Valley and White Deer Turnpike Road Company.

Executive Chamber.

Harrisburg, March 22, 1860.

Sir:—

**I**N COMPLIANCE WITH THE RESOLUTION OF the Senate, of the 20th instant, requesting the Governor to furnish the Senate with a copy of the certificate, or such other evidence as the Sugar Valley and White Deer turnpike road company may have presented, to show a compliance with the conditions of the law, and upon which the warrant of April 23, 1858, for two thousand dollars, was based, I have the honor herewith to transmit a copy of the certificate of the Hon. Anthony Kleckner, treasurer of the company, together with the accompanying certificate of John B. Wagner, Esq., of Lock Haven, dated respectively the 30th of March, 1858.

WM. F. PACKER.



## DOCUMENTS.

Logansville, March 30, 1858.

To His Excellency, William F. Packer, Governor of Pennsylvania:

I, Anthony Kleckner, of Sugar Valley, Clinton county, do hereby certify that twenty-three miles of the White Deer and Sugar Valley turnpike road has been made—the entire length of the road being twenty-five miles. Ten miles is upon the old State road leading from Logansville to White Deer mills, and is equally good as a turnpike. The said road was examined by commissioners appointed by the Governor, and was duly passed as made, according to the act of Assembly, and has been so used since.

In testimony whereof, I have hereunto set my hand the date aforesaid.

ANTHONY KLECKNER.

Clinton County, ss:

I hereby certify that I am well acquainted with Anthony Kleckner, of Sugar Valley, in said county, and that the signature purporting to be his to the foregoing certificate is in his own proper hand writing.

Witness my hand at Lock Haven, March 30, A. D. 1858.

JOHN B. WAGNER,  
Justice of the Peace.

To the Assembly Vetoing “An Act to Incorporate the Somerset Iron and Coal Company.”

Executive Chamber,  
Harrisburg, March 23, 1860.

Gentlemen:—

I RETURN, HEREWITH, WITHOUT MY APPROVAL, to the Senate, in which it originated, a bill, entitled “An Act to incorporate the Somerset iron and coal company.”

The reasons which influence me in withholding my



signature from bills of this character, have been so repeatedly given, that I deem it unnecessary to again recite them. They were fully expressed in the message which I had the honor of transmitting to the General Assembly at the commencement of the present session, in returning, with my objections, the bill, entitled "An Act to incorporate the Packer iron company," to which I respectfully refer the attention of the Legislature.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relative to the Police of the City of Philadelphia."

Executive Chamber,  
Harrisburg, March 27, 1860.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where it originated, the bill, entitled "An Act relative to the police of the city of Philadelphia."

My objections to this bill are: First. That it proposes to confer on the present mayor of the city of Philadelphia, whose term of office will expire on the second Tuesday of May next, and by whom the present police force of that city was appointed, the power to continue the whole of the present incumbents, amounting to more than seven hundred persons, in office, for a period of five years after his own term shall have expired.

Second. Because it provides that the election of the members of the police board, by the select and common council of Philadelphia, shall be held on the first Thursday of April next, and annually thereafter, when



the term of office of the entire body of the common council, and one-half of the select council, will expire on the Monday succeeding the first Tuesday of May. Thus giving to the present mayor and the present councils, now about retiring from office, the entire control of the police of the city for the next five years.

In the creation of the police board, in the appointment of the police of the city for a term of five years, and in the manner of removal of the members of the police so appointed from office, the bill proposes radical and important changes in the laws which now regulate the police department of the city. It may be that these changes would be an improvement on the present system. It is, however, surely but reasonable and proper that the voters of Philadelphia, after full notice, should first be permitted to determine upon whom powers so extraordinary and important should be conferred, particularly should this be the case when the election for mayor and members of the city councils is so near at hand. Should this bill become a law, the person who may be chosen mayor of the city on the first Tuesday in May next, if the present incumbent should not be re-elected, would find the entire police force appointed by his predecessor, just before he retired from office, and even the substitutes named from amongst whom any vacancies which might thereafter occur would have to be filled. I cannot perceive any good reason why the introduction of this new system of appointing the police force was not given to the incoming instead of the outgoing mayor; nor why the election of the members of the police board should not have been conferred upon the new instead of the old councils, who would, in such case, have been elected with special reference to the important duties to be committed to their charge.

I would not, willingly, interpose objections to any measure calculated to promote the cause of order and



good government in the metropolis of our Commonwealth, but I consider myself in the discharge of a very plain duty in withholding my sanction from a bill which, so manifestly, and, in my opinion, so unnecessarily, deprives the people of Philadelphia from choosing their public agents, to whom the exercise of the high powers proposed by this bill is to be committed.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Re-annexing a Part of Brady Township, in Lycoming County, to Union County."

Executive Chamber,  
Harrisburg, March 29, 1860.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, where it originated, for re-consideration, a bill, entitled "An Act re-annexing a part of Brady township, in Lycoming county, to Union county."

That part of Brady township which this bill proposes to take from Lycoming county, and annex to Union county, has formed part of Lycoming county since the first day of May, 1815, a period of forty-five years.

The present dividing line between the counties of Lycoming and Union is along the top of White Deer mountain, a natural boundary, and is distant from Williamsport, the county town of Lycoming, about twelve miles, and is nearer by many miles to the seat of justice than any other portion of the boundary of Lycoming county. If Union county be extended, as this bill proposes, it will approach to within about six miles of Williamsport. There is an excellent turn-



pike road connecting the township of Brady with the borough of Williamsport, from every part of which the inhabitants can now reach the county seat, by their own conveyances, in a drive of about two hours; or they can reach it in half that time by the Sunbury and Erie railroad, if they prefer it, over which four trains of passenger cars now pass each way daily. It cannot, therefore, be pretended, seriously, by any one, that the distance between Brady township and Williamsport, or the want of convenient and direct communication between the two points, would furnish even a plausible pretext for the dismemberment of Lycoming county.

To divide the township of Brady in the manner proposed, would separate the inhabitants of a small but densely populated valley, taking by far the better portion of the township away from Lycoming county, dividing school districts, and including within the part to be attached to Union, four out of six school houses, all of which have been erected at the joint expense of the inhabitants of the entire township.

Another very serious objection to this bill, is, that it makes no provision for the continuance and revival of liens upon the real estate which it proposes to take from the jurisdiction of the courts of Lycoming county; nor are pending suits, civil or criminal, provided for. Neither is the right of the sheriff of Lycoming county to execute process, now in his hands, preserved.

Believing that the passage of this bill is uncalled for by any public exigency, that, as an example, it is fraught with mischief, that it would greatly endanger the rights of judgment and execution, creditors, and create delay and uncertainty in other pending judicial proceedings, I am constrained to withhold from it the Executive approval.

WM. F. PACKER.



To the Assembly Vetoing "An Act to Provide for the Collection of Poor Taxes Within the County of Elk."

Executive Chamber.

Harrisburg. March 31, 1860.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT MY APPROVAL, to the House of Representatives, where it originated, the bill, entitled "An act to provide for the collection of poor taxes within the county of Elk."

The bill provides for the return and collection of poor taxes, assessed upon unseated lands in the county of Elk, in the same manner as road taxes are now collected.

In returning to the last General Assembly, without the Executive approval, a similar bill, authorizing the assessment and collection of taxes for the support of the poor, upon unseated lands within the counties of Tioga, Potter and Northumberland, I stated my objections as follow:

"I cannot approve this bill, because, should it become a law, it will introduce into three of the counties of this Commonwealth a species of taxation unknown to the remainder of the State. Our tax laws should, as far as practicable, be uniform, general and equal. Like property should be taxable for like purposes, in all the counties in the State. Bills general in their character, imposing burdens on any class of the community, will then receive such attention from the law-making power as their importance demands. Considering this bill an innovation in our system of taxation, calculated, as a precedent, to prove injurious in the future, in my opinion, it ought not to become a law. It is moreover, by no means clear, that any additional taxes should be imposed on unseated, and



therefore unproductive property. It is believed that the unseated lands in the several counties already pay their full proportion of the expenses of the local governments."

These objections are equally applicable to the bill now under consideration, and as time has not, in my judgment, diminished their cogency, it cannot receive my sanction. It is therefore returned, for re-consideration, in accordance with the provisions of the Constitution.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Chester Union Store Company."

Executive Chamber,  
Harrisburg, April 2, 1860.

Gentlemen:—

**I** RETURN, HEREWITH, FOR RE-CONSIDERATION, to the House of Representatives, where it originated, a bill, entitled "An Act to incorporate the Chester Union store company."

This bill proposes to incorporate five individuals named, and such other persons as may unite with them, into a body politic, with a capital of three thousand dollars, for the purpose of buying and selling dry goods and groceries in the borough of Chester. The business is to be conducted under the supervision of a president, secretary, salesman and nine directors, and to be exclusively on the cash principle.

Believing that individual means and individual enterprise are entirely adequate to the accomplishment of the objects and purposes contemplated by the proposed corporation, and that dry goods and groceries



may be successfully bought and sold, at least to the extent of three thousand dollars, without corporate powers, I am constrained to withhold my approval from this bill.

WM. F. PACKER.

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To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, April 2, 1860.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, to the Senate, where they originated, the bills entitled as follows, viz:

“An Act to incorporate the Venango oil and mining company.”

“An Act to incorporate the Roberts iron company of Lehigh county.”

“An Act to incorporate the Mineral transportation company.”

The objections which I entertain to the incorporation of companies for mining and manufacturing purposes, by special acts of Assembly, will be found in the message which I had the honor of transmitting to the General Assembly on the 5th of January last, in returning, without my approval, the bill, entitled “An Act to incorporate the Packer iron company,” to which the attention of the Legislature is respectfully referred.

It is proper to remark, that those objections are in no wise removed by the proposal to include among the powers conferred upon such companies, privileges for which no provisions have been made in the general



laws relating to mining and manufacturing companies, for it is obvious that our general laws will be of no practical benefit, if they can be avoided simply by the incorporation, into special acts, provisions not to be found in the general enactment.

WM. F. PACKER.

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To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, April 2, 1860.

Gentlemen:—

I RETURN HEREWITH, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where they originated, the bills, entitled:

“An Act to incorporate the Rock oil company.”

“An Act to incorporate the Lebanon Valley marble company.”

“An Act to incorporate the Brookville oil company.”

“An Act to incorporate the South Pittsburg coal company.”

Full and ample provision having already been made by general laws, for the incorporation of mining and manufacturing companies, there is, in my opinion, no necessity for granting special charters for such purposes.

The reasons which prompt me to withhold my approval from special charters, such as those above proposed, have been so often reiterated, that I am relieved from the necessity of again repeating them. I feel that my duty is discharged, by a simple reference to former messages on the subject.

WM. F. PACKER.



To the Assembly Vetoing "An Act Giving Justices of the Peace Power, with a Jury of Six, to Hear and Determine Charges for Crimes of a Certain Character, within Certain Counties of this Commonwealth, and to Lessen the Expenses in Criminal Proceedings."

Executive Chamber,  
Harrisburg, April 2, 1860.

Gentlemen:—

I RETURN, HEREWITH, TO THE HOUSE OF REPRESENTATIVES, where it originated, a bill, entitled "An Act giving justices of the peace power, with a jury of six, to hear and determine charges for crimes of a certain character, within certain counties of this Commonwealth, and to lessen the expenses in criminal proceedings."

The bill authorizes justices of the peace in the counties of Erie, Crawford, Bradford, Susquehanna, Tioga, Juniata, Luzerne, Lawrence, Potter, Mifflin and Warren, to hold what it denominates courts of special sessions, for the final disposition of certain enumerated offences. Upon the request of the person charged with the commission of any of the offences mentioned in the act, twelve jurors are to be summoned, from among whom six are to be chosen for the trial of the cause. If the defendant shall plead guilty, or be convicted by the verdict of the jury, it is made the duty of the justice of the peace to sentence such defendant to fine or imprisonment, or both—the fine not to exceed fifty dollars, nor the imprisonment three months. Provisions is also made for bills of exceptions, to test the legality of the proceeding, before the court of quarter sessions of the proper county.

The judicial system of Pennsylvania is greatly to be commended for its simplicity, its uniformity, and the promptness with which it insures the administra-



tion of justice, without great or unnecessary expense to the public or to the parties litigant. To change it, in any considerable degree, or to change it for particular counties, is surely not the part of wisdom. Can any reason be given why justices of the peace in the counties named in this bill should have the power, by the consent of the defendant, to summon a jury in every case of assault and battery, and to proceed to a formal trial and sentence, if a conviction take place, while, in the other counties in the Commonwealth the justices can only act as committing magistrates? Justices of the peace are chosen, under the Constitution of this State, with a view to the exercise of the limited jurisdiction, civil and criminal, given to them by the laws of the State, which have been chiefly in force for the last half century; and it is not to be presumed that they should be familiar with the forms of issuing venires, impannelling juries, making up and certifying bills of exceptions, and other forms incident to the proceedings of courts of more extensive jurisdiction; and any attempt to require the performance of such duties at their hands, would, in my judgment, in the end, produce greater uncertainty, longer delay, and more expense, than is incident to the present system.

Apart from the local character of this bill, and its innovation upon the well settled practice of the State, there are other objections arising from its peculiar provisions. Some of the offences which it names as crimes, are only trespasses under the general law of the State, while the maximum punishment for the offence of "poisoning, killing, maiming, wounding, or cruelly beating, any animal," is greatly below that fixed for the punishment of a similar offence by the existing criminal law. Special legislation for particular counties, upon subjects not in their nature local, is a most pernicious system, and ought to be entirely abandoned.



For the reasons thus briefly stated, I am compelled, by a sense of duty, to return this bill, without my approval, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, April 3, 1860.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where they originated, the bills entitled:

“An Act to incorporate the Pennsylvania Cannel coal company.”

“An Act to incorporate the Aerated Steam and manufacturing company of Philadelphia, Pennsylvania.”

For the reasons which impel me to withhold my approval from these bills, I respectfully refer the General Assembly to the message transmitting to the Legislature, without my sanction, the bill, entitled “An Act to incorporate the Packer iron company.”

WM. F. PACKER.



Proclamation of the Cancellation of Six Hundred and Two Thousand Two Hundred and Sixty-Four Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.—1860.

Pennsylvania, ss:

[Signed] Wm. F. Packer.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. WILLIAM F. PACKER,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas by the Third Section of the Act of the General Assembly of the Commonwealth passed the 22d day of April, A. D. 1858, entitled "An Act to establish a Sinking fund for the payment of the public debt," it is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said act of Assembly, on the first Monday of September, A. D. 1859, and on the same day annually thereafter to report and certify to the Governor, the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them: Whereupon the Governor shall direct the Certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas by the ninety-eighth section of the act of the General Assembly passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordin-



ary expenses of Government," it is provided that thereafter the receipts to the Sinking fund to the amount that may be necessary to cancel the relief issues now in circulation under the provisions of the Act of the 4th of May, A. D. 1841, and the reissues under the Act of the 10th day of April, A. D. 1849, shall be applied toward the cancellation of said issues.

And Whereas William M. Hiester, Thomas E. Cochran and Eli Slifer, Commissioners of the Sinking fund, in obedience to the requirements of law, Report and Certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the fifth day of September, A. D. 1859, to the 3d day of September, A. D. 1860, amounts to the sum of six hundred and two thousand, two hundred and sixty-four dollars and thirty-six cents, made up as follows:

Stock and Coupon Loans, .....	\$593,628 54
Interest Certificates, .....	3,103 42
Relief notes cancelled, .....	5,527 00
Domestic creditors script paid, .....	5 40

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Total, .....	\$602,264 36
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Now therefore as required by the 3d section of the act of Assembly, I do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of Six hundred and two thousand, two hundred and sixty-four dollars and thirty-six cents of the prinpical of the debt of the Commonwealth, including five thousand five hundred and twenty-seven dollars of the relief issues which have been cancelled and destroyed as authorized by the ninety-eighth section of the act of the nineteenth of April, A. D. one thousand eight hundred and fifty-three.

Given under my Hand and the Great Seal of the State at Harrisburg this Thirteenth day of September.



in the year of our Lord one thousand eight hundred and Sixty and of the Commonwealth the Eighty-fifth.

By the Governor:

Wm. M. Hiester,

Secretary of the Commonwealth.

Proclamation for a Day of Thanksgiving.—1860.

Pennsylvania, ss.

[Signed] Wm. F. Packer.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. WILLIAM F. PACKER,  
Governor of the said Common-  
wealth.

#### A PROCLAMATION.

Fellow Citizens:—

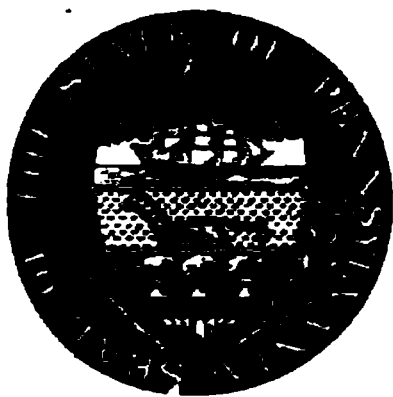
THE REVOLUTIONS OF THE YEAR HAVE again brought us to our annual festival of Thanksgiving to Almighty God. In no preceding year have we had more abundant cause for gratitude and praise. The revolving seasons have brought with them health and plenty. The summer fruits and the autumn harvests have been gathered and garnered in unwonted exuberance. A healthful activity has pervaded all the departments of life; and provident industry has met with a generous reward. The increase of material wealth has been liberally employed in sustaining our Educational and Religious Institutions; and both are making the most gratifying progress in enlightening and purifying the public mind. While, in Europe, central and absolute governments, by their



pressure on personal rights and liberty, are producing excitements, which threaten to upheave the very foundations of society, and have led, in some instances, to bloody and cruel wars, we, in the enjoyment of constitutional liberty, and under the protection of just and equal laws, are peacefully pursuing the avocations of life, and engaging in whatever promises to advance our social and individual improvements and happiness. "The lines are," indeed, "fallen to us in pleasant places, and we have a goodly heritage." In all this we see the orderings of a kind and merciful Providence, which call not only for our recognition, but for our public Thanksgiving and Praise.

Under this conviction, I, WILLIAM F. PACKER, Governor of the Commonwealth of Pennsylvania, do hereby appoint

Thursday, the Twenty-ninth day of November next, To be observed as a day of public Thanksgiving and Prayer, and recommend to all our people, that setting aside, on that day, all worldly pursuits, they assemble in their respective places of worship, and unite in offering Thanks to God for his manifold goodness, and imploring his forgiveness, and the continuance of his mercies.



Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-fourth day of October, in the year of our Lord, one thousand eight hundred and sixty, and of the Commonwealth the eighty-fifth.

WM. F. PACKER.

By the Governor:

Wm. M. Hiester,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1860.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-

A PROCLAMATION.

Whereas in and by An Act of the General Assembly of this Commonwealth passed the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," it is made the duty of the Governor on the receipt of the returns of the election of the members of the House of Representatives of the United States by the Secretary of the Commonwealth to declare by Proclamation the names of the persons so returned as elected in the respective districts.

And Whereas the returns of the General election held on Tuesday, the ninth day of October last in and for the several districts for members to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the Fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited Act, whereby it appears that in the Second District composed of certain portions of the City of Philadelphia, Edward Joy Morris, has been duly elected; in the Third District, composed of Kensington and the Northern Liberties of the County of Philadelphia, John P. Verree, has been duly elected; in the Fourth District, composed of



Spring Garden, Penn District, North Penn, Kingsessing, West Philadelphia, Blockley, Richmond, Unincorporated Northern Liberties, Bridesburg and Aramingo in the County of Philadelphia, William D. Kelley, has been duly elected; in the Fifth District, composed of Montgomery County and Bristol township, Upper and Lower Germantown, Upper and Lower Manayunk, Frankford, Roxborough, Byberry, Lower Dublin, White Hall, Oxford and Moreland, in the County of Philadelphia, William Morris Davis, has been duly elected; in the Sixth District, composed of the Counties of Chester and Delaware, John Hickman, has been duly elected; in the Seventh District, composed of the Counties of Bucks and Lehigh, Thomas B. Cooper, has been duly elected; in the Eighth District, composed of the county of Berks, Sydenham E. Ancona, has been duly elected; in the Ninth District, composed of the County of Lancaster, Thaddeus Stevens, has been duly elected; in the Tenth District, composed of the Counties of Lebanon, Dauphin, Snyder and Union, and the Township of Lower Mahanoy, in the County of Northumberland, John W. Killinger, has been duly elected; in the Eleventh District, composed of the Counties of Schuylkill and Northumberland, except Lower Mahanoy Township, James H. Campbell, has been duly elected; in the Twelfth District, composed of the Counties of Montour, Columbia, Luzerne and Wyoming, George W. Scranton, has been duly elected; in the Thirteenth District, composed of the Counties of Northampton, Monroe, Carbon, Pike and Wayne, Philip Johnson, has been duly elected; in the Fourteenth District, composed of the Counties of Susquehanna, Bradford and Tioga, Galusha A. Grow, has been duly elected; in the Fifteenth District, composed of the Counties of Sullivan, Lycoming, Clinton, Centre, Mifflin and Potter, James T. Hale, has been duly elected; in the Sixteenth District, composed of the Counties of York, Cumber-



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1860.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the authority of the Com  
monwealth of Pennsylv  
nia. WILLIAM F. PACK  
Governor of the said Com

A PROCLAMATION



Spring Garden, Penn. District North Penn. Em-  
 sing, West Philadelphia, Lancaster, Richmond, and  
 incorporated Northern Liberties, Kingsbury and Ar-  
 mingo in the County of Philadelphia. William D. Ke-  
 ley, has been duly elected, in the Fifth District con-  
 posed of Montgomery County and Berks, Penn.  
 Upper and Lower Germantown, Upper and Lower  
 Manayunk, Frankford, Roxborough, Liberty, and  
 Dublin, White Hall, Oxford and Moreland, in the  
 County of Philadelphia. William North, has been  
 been duly elected, in the Sixth District com-  
 of the Counties of Chester and Delaware. James  
 man, has been duly elected, in the Seventh District  
 composed of the Counties of Lancaster and York.  
 Thomas R. C.

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 thousand five  
 Butler received

twenty-seven votes  
 thousand and forty-  
 is appears from the  
 Vm. E. Lehman was  
 said a Member of the  
 United States for the  
 posed of Southwark,  
 County of Philadel-  
 ce and New Market  
 a.

d this Proclamation  
 that William E. Leh-  
 P. Verree, William  
 is, John Hickman,  
 L. Ancona, Thaddeus

James H. Campbell,  
 Scranton. Philip Johnson, Galusha A.  
 nes T. Hale, Joseph Bailey, Edward McPher-  
 nuel S. Blair, John Covode, Jesse Lazear,  
 K. Moorhead, Robert McKnight, John W. Wal-  
 John Patton and Elijah Babbitt, have been re-  
 ned as duly elected in the several districts before  
 mentioned as Representatives in the Congress of the  
 United States, for the term of two years to commence  
 Given under my hand and the Great Seal of the



land and Perry, Joseph Bailey, has been duly elected; in the Seventeenth District, composed of the Counties of Adams, Franklin, Fulton, Bedford and Juniata, Edward McPherson, has been duly elected; in the Eighteenth District, composed of the Counties of Somerset, Cambria, Blair and Huntingdon, Samuel S. Blair has been duly elected; in the Nineteenth District, composed of the Counties of Westmoreland, Armstrong and Indiana, John Covode, has been duly elected; in the Twentieth District, composed of the Counties of Fayette, Greene and Washington, Jesse Lazear, has been duly elected; in the Twenty-first District, composed of the County of Allegheny, except that part which lies north-east of the Ohio and North-West of the Allegheny, James K. Moorhead, has been duly elected; in the Twenty-second District, composed of Butler County and that part of Allegheny County not included in the Twenty-first District, Robert McKnight, has been duly elected; in the Twenty-third District, composed of the Counties of Beaver, Lawrence, and Mercer, John W. Wallace, has been duly elected; in the Twenty-fourth District, composed of the Counties of Venango, Warren, McKean, Clearfield, Jefferson, Forest, Elk and Clarion, John Patton, has been duly elected; in the Twenty-fifth District, composed of the Counties of Erie and Crawford, Elijah Babbitt, has been duly elected.

And Whereas certain returns have been received in the Office of the Secretary of the Commonwealth of the votes cast in the First Congressional District for Member of Congress, Certifying that at the Election aforesaid, John M. Butler received Eight thousand five hundred and eighty-one votes; William E. Lehman received Eight thousand three hundred and eighty-three votes, and Edward King received Two thousand and fifty-seven votes. And Whereas it has been judicially ascertained that said returns include a false forged and fabricated return of the votes cast in the



Fourth Ward part of the First Congressional District. And Whereas the return Judge from the said Fourth Ward has been duly convicted in the Court of Quarter Sessions of the Peace in and for the City and County of Philadelphia for the criminal substitution of said false, forged and fabricated return in lieu of the true and correct one. And Whereas by the true returns certified from the Prothonotary's office of the Court of Common Pleas in and for the City and County of Philadelphia it appears that at the Election aforesaid, William E. Lehman received Eight thousand five hundred and fifty-nine votes, John M. Butler received Eight thousand four hundred and twenty-seven votes and Edward King received Two thousand and forty-four votes. And Whereas it thus appears from the true and genuine returns that Wm. E. Lehman was duly chosen at the election aforesaid a Member of the House of Representatives of the United States for the First Congressional District composed of Southwark, Moyamencing, Passayunk, in the County of Philadelphia, and Ceder, Lombard, Spruce and New Market Wards in the City of Philadelphia.

Now, therefore, I have issued this Proclamation hereby publishing and declaring that William E. Lehman, Edward Joy Morris, John P. Verree, William D. Kelley, William Morris Davis, John Hickman, Thomas B. Cooper, Sydenham E. Ancona, Thaddeus Stevens, John W. Killinger, James H. Campbell, George W. Scranton, Philip Johnson, Galusha A. Grow, James T. Hale, Joseph Bailey, Edward McPherson, Samuel S. Blair, John Covode, Jesse Lazear, James K. Moorhead, Robert McKnight, John W. Wallace, John Patton and Elijah Babbitt, have been returned as duly elected in the several districts before mentioned as Representatives in the Congress of the United States, for the term of two years to commence

Given under my hand and the Great Seal of the State



at Harrisburg, this Eighth day of November in the  
from and after the fourth day of March next.

year of our Lord one thousand eight hundred and sixty,  
and of the Commonwealth the eighty-fifth.

WM. F. PACKER,  
Governor.

By the Governor,  
Wm. M. Hiester,  
Secretary of the Commonwealth.

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Proclamation of the Election of Jacob K. McKenty  
as a Representative of Pennsylvania in the United  
States Congress.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-

#### A PROCLAMATION.

Whereas by a return duly made by  
the Judges of an election held in the  
Eighth Congressional District of this  
Commonwealth, composed of the  
County of Berks, on Tuesday, the  
ninth day of October, A. D. 1860, un-  
der the authority of an act of the General Assembly  
passed the second day of July, A. D. 1839, it appears  
that Jacob K. McKenty, was duly elected to serve as a  
Representative of this State, in the House of Repre-  
sentatives of the Thirty-sixth Congress of the United  
States, to supply the vacancy occasioned by the death  
of the Hon. John Schwartz.

And Whereas in and by the forty-second section of  
the act before recited, it is made the duty of the Gov-



ernor on the receipt of the returns of an election as aforesaid, by the Secretary of the Commonwealth, to declare by Proclamation the name of the person elected.

Now Therefore, I have issued this Proclamation, hereby publishing and declaring, that the said Jacob K. McKenty is duly elected and chosen in the District before mentioned as a Representative of this State, in the House of Representatives, in the Congress of the United States, in the room of the Hon. John Schwartz, deceased who had been elected a member of the Thirty-sixth Congress.

Given under my Hand, and the Great Seal of State at Harrisburg, this ninth day of November, in the year of Our Lord one thousand eight hundred and sixty, and of the Commonwealth the eighty-fifth.

WM. F. PACKER.

By the Governor,  
Wm. M. Hiester,  
Sec'y of the Comm'th.

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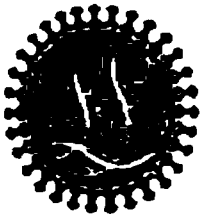
DOCUMENTS.

Pennsylvania, ss.

[Signed] Wm. F. Packer.

IN THE NAME AND BY THE AUTHORITY OF THE COMMON-wealth of Pennsylvania. WILLIAM F. PACKER, Governor of the said Commonwealth.

To Jeremiah D. Bitting, High Sheriff of the County of Bucks, Sends Greeting:



Whereas a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of John Schwartz, Esquire, elected a member of the Thirty-sixth Congress from the Eighth Congressional District composed of the County of Bucks.

Now Therefore, in pursuance of the provisions in such case made and provided by the Constitution of the United States and An Act of the General Assembly of this State passed the second day of July, Anno Domini One thousand eight hundred and thirty-nine, I, William F. Packer being vested with the Executive authority of the State of Pennsylvania have issued this writ hereby commanding you the said Jeremiah D. Bitting to hold an election in the said County of Berks, on Tuesday, the ninth day of October, being the second Tuesday thereof in the year of Our Lord One thousand eight hundred and sixty, for choosing a Representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct or cause to be held and conducted the said election and make return thereof in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg this Sixth day of September, in the year of Our Lord One thousand Eight hundred and Sixty, and of the Commonwealth the Eighty-fifth.

By the Governor:

Wm. M. Hiester,  
Secretary of the Commonwealth.



Proclamation of the Election of Electors of a President and Vice President.—1860.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. WILLIAM F. PACKER,  
Governor of the said Common-

A PROCLAMATION.

Whereas, it is provided in and by An Act of the General Assembly of his Commonwealth, entitled "An Act relating to the Elections of this Commonwealth," passed the second day of July, A. D. one thousand eight hundred and thirty-nine, That the Secretary of the Commonwealth having received the returns of the votes given for election of President and Vice President of the United States, shall lay the same before the Governor, who shall enumerate and ascertain the number of votes for each person voted for and shall thereupon declare by Proclamation the names of the persons duly elected."



And Whereas, It appears by the returns laid before me of the election for electors, held on Tuesday, the sixth day of November, inst., That James Pollock, Thomas M. Howe, Edward C. Knight, Robert P. King, Henry Bumm, Robert M. Foust, Nathan Hilles, John M. Broomall, James U. Fuller, David E. Stout, Francis U. Christ, David Mumma, Jr., David Taggart, Thomas R. Hall, Francis B. Penniman, Ulysses Mercur, George Bressler, A. Brady Sharpe, Daniel O. Gehr, Samuel Calvin, Edgar Cowan, William McKenna, John M. Kirkpatrick, James Kerr, Richard P. Roberts, Henry Souther and John Greer are the persons duly elected electors of a President and Vice President of the United States to serve at the election in that behalf to be held at the Seat of Government of this State (being in the City of Harrisburg, in the County of Dauphin), on the first Wednesday of December next, agreeably to the said act of the General Assembly of this Commonwealth, and the Constitution and Laws of the United States in such case made and provided.

Given under my Hand and the Great Seal of the State at Harrisburg, this 15th day of November, in the year of Our Lord One thousand eight hundred and sixty, and of the Commonwealth the Eighty-fifth.

WM. F. PACKER.

By the Governor,

Wm. M. Hiester,

Secretary of the Commonwealth.



## Annual Message to the Assembly.—1861.

Gentlemen:—

**I**N SUBMITTING TO THE GENERAL ASSEMBLY my last annual communication, it is the source of unfeigned gratification to be able to announce to the people, and to their Representatives, that notwithstanding the present unfavorable crisis in the monetary affairs of this country, and the general prostration of business and credit, the financial condition of Pennsylvania is highly satisfactory.

The receipts at the State Treasury, from all sources, for the fiscal year ending on the 30th of November, 1860, were \$3,479,257.31, to which add the available balance in the Treasury on the 1st day of December, 1859, \$839,323.09, and the whole sum available for the year will be found to be \$4,318,580.40. The expenditures, for all purposes, for the same period, were \$3,637,147.32. Leaving an available balance in the Treasury, on the 1st day of December, 1860, of \$681,433.08. The following items are embraced in the expenditures for the fiscal year, viz:

Loans redeemed, .....	\$664,857 65
Relief notes cancelled, .....	1,811 00
Interest certificates, .....	2,439 52
Domestic creditors' certificates, ....	5 40
Damages on the public works, and old claims, .....	22,644 32
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Making of the public debt actually paid during the year, the sum of,	\$691,757 89
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The funded and unfunded debt of the Commonwealth on the first day of December, 1859, was as follows:



**Funded Debt.**

6 per cent. loans, .....	\$400,630 00
5 Do., .....	37,625,153 37
4½ Do., .....	388,200 00
4 Do., .....	100,000 00
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Total funded debt, .....	\$38,513,983 37
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**Unfunded Debt.**

Relief notes in circulation, .....	\$101,213 00
Interest certificates outstanding, ...	18,513 82
Do. unclaimed, .....	4,448 38
Domestic creditors, .....	802 50
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Total unfunded debt, .....	\$124,977 70
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Making the entire debt of the Commonwealth, at the period named, \$38,638,961.07.

The funded and unfunded debt of the State, at the close of the last fiscal year, December 1, 1860, stood as follows:

**Funded Debt.**

6 per cent. loans, .....	\$400,630 00
5 Do., .....	36,967,295 72
4½ Do., .....	381,200 00
4 Do., .....	100,000 00
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Total funded debt, .....	\$37,849,125 72
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**Unfunded Debt.**

Relief notes in circulation, .....	\$99,402 00
Interest certificates outstanding, ...	16,074 30



Do.	unclaimed, . . . .	4,448 38
Domestic creditors' certificates, . . . .		797 10

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Total unfunded debt, . . . . .	\$120,721 78
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Making the entire public debt of Pennsylvania, on the first day of December last, \$37,969,847.50.

To pay the principal and interest of this debt, besides the ordinary sources of revenue, the Commonwealth holds the following mortgage bonds, derived from the sale of her public improvements, viz:

Bonds of Pennsylvania railroad company, . . . . .	\$7,200,000 00
Bonds of Sunbury and Erie railroad company, . . . . .	3,500,000 00
Bonds of Wyoming canal company, . . . . .	281,000 00
Total, . . . . .	\$10,981,000 00

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At the close of the fiscal year, on the first day of December, 1857, the public debt of this Commonwealth, funded and unfunded, was, . . . . .	\$39,881,738 22
It is now, at the close of the fiscal year 1860, . . . . .	37,969,847 50

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Having been reduced, during the last three years, . . . . .	\$1,911,890 72
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The available balance in the Treasury on the first day of December, 1857 was, . . . . .	\$528,106 47
On the first day of December, 1860, it was, . . . . .	681,433 08

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Exceeding the former balance in the sum of, . . . . .	\$153,326 61
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Add to this the sum paid at the Treasury during the past three years, for debts and claims against the Commonwealth arising out of the construction and maintenance of the public improvements, and which was substantially a part of the unfunded debt of the Commonwealth, amounting to, .....	171,664 82
And we have the sum of, .....	<u>\$324,991 42</u>

By adding this sum to the amount paid on the public debt from December 1, 1857, to December 1, 1860, to wit: \$1,911,890.72, it will be found that during the past three years the State has not only met all her ordinary liabilities, including the expenses of government, and the interest on her public debt, but has diminished her actual indebtedness the sum of \$2,236,882.15.

When it is remembered that for the last three years the tax on real and personal estate has been but two and a half mills on the dollar, while from 1844 to 1857, it was three mills—that for the past two years and six months the State has received no part of the tax on tonnage due from the Pennsylvania railroad company—and that since July, 1859, the interests on the bonds held by the State against the Sunbury and Erie railroad company has remained due and unpaid, it is certainly cause for hearty congratulation, that, without aid from these important sources of revenue, so great a reduction of the public debt has been accomplished in comparatively so short a period. The funded debt of the State is now less than it has been since 1842, and the unfunded debt and floating debt, which at that time amounted to upwards of two millions of dollars, has been almost entirely redeemed. It is now reduced



to \$120,721.78—and of this sum over a hundred dollars consists of relief notes, many undoubtedly either lost or destroyed, and which, therefore, never be presented for payment against the State, accruing from the maintenance of her canals and railroads, reduced to a mere nominal sum; and, in providing for the ordinary expenses of her revenues and her energies may be exhausted to the payment of the interest, and to the principal of her public debt.

The people of this Commonwealth have met with promptness, the demands made from time to time, for the ways and means to replenish the Public Treasury; and now, that the enormous debt with which they have been burdened, is each year certainly and rapidly being diminished—that the amount required to meet the annual interest is annually being diminished—that consequently a greater sum can each year be devoted to the payment of the principal of the debt, without resorting to additional sources of revenue—and that the judicious husbanding of the resources of the State, far distant when direct taxation in Pennsylvania ceased altogether—the payment of such a debt for the time being required to meet the present necessities will continue to be met with cheerfulness. But they will unquestionably hold that the confidence they have entrusted the financial interests of the Commonwealth to a rigid accountability. That there is a particular juncture, when the business affairs of the country are so greatly distressed, that the strictest economy in public expenditure is not only a duty, but that it can scarcely be necessary to explain a duty. It is equally clear that any measure which would tend greatly to lessen the burden of the Commonwealth, would, at this time, be



wise and inexpedient. The exigencies of the future no man can foretell—the prospect before us is beclouded with doubt and uncertainty—it is, therefore, no more than the part of wisdom to guard, with unceasing vigilance, all our present sources of revenue, and to thus be prepared for every possible contingency.

Since July, 1858, the Pennsylvania railroad company has refused to pay the tax on tonnage required to be paid by the act incorporating the company, and its various supplements; and there is now due to the State, on that account, exclusive of interest, the sum of \$674,296.22. Including the interest, the sum now due is about \$700,000. Before my last annual message was communicated to the Legislature, a case had been tried in the court of common pleas of Dauphin county, between the Commonwealth and the railroad company, involving the question of the constitutionality of this tax, which was decided in favor of the State, and the imposition of the tax pronounced constitutional. In January last, another suit was tried between the same parties, in the same court, involving the same question, with a like result. In December last, a judgment was obtained in the district court of Philadelphia, upon one of the semi-annual settlements, for \$110,000. So that judgment has been obtained for \$365,000 of the debt, being the whole amount which became due prior to 1860. The tax which accrued during the past year, amounts to \$308,829.03. The first settlement for the year is before the Dauphin county court, on an appeal taken by the company; and the second, or last, settlement was made but a few days since, by the accountant department of the Commonwealth.

After the recovery, in the common pleas of Dauphin county, the cases were removed by writs of error, taken on behalf of the defendants, to the Supreme Court of this State, where they were argued in June last, and in October that tribunal sustained the decision of the



court of common pleas, and held the tax to be clearly constitutional; thus uniting with the law making power in affirming the right of the State to tax a corporation under a law to which it owes its existence. But, notwithstanding this concurrence of opinion and action on behalf of the constituted authorities of Pennsylvania, the litigation is not yet at an end; for the railroad company has recently removed the cases, by writs of error, to the Supreme Court of the United States, where they are now pending. That the decision of that court will, when made, fully sustain the right of a sovereign State to enforce a contract between the State and a corporation, and entirely vindicate the power of a State to impose such taxes upon corporations, as in her sovereign will she may deem proper, I cannot for a moment doubt.

To complete the history of this important litigation, and to show that every effort has been, thus far, made to compel the payment of this large sum of money into the Treasury of the State, it is proper to add, that the law officer of the Commonwealth, being of opinion that the writs of error were not issued from the Supreme Court of the United States in time to prevent the collection of the judgments rendered in the State courts, executions were issued to the sheriff of the County of Dauphin, and proceedings are now pending in the Supreme Court of this State, to determine whether the Commonwealth can compel the payment of the judgments already recovered, before the final decision by the Supreme Court of the United States.

The Sunbury and Erie railroad company having failed to negotiate its mortgage bonds in their present condition, the expectations confidently entertained of an early completion of that most important improvement, have not been realized. The work during the past year, however, although greatly retarded, has been continually progressing; upwards of one million of dollars



having been expended on the line from November, 1859, to November, 1860. The whole length of the road, from the borough of Sunbury to the harbor on the lake, at the city of Erie, is 288 miles; of which 148 miles are now finished and in operation, and 115 miles of the remaining portion of the line are graded; leaving but twenty-five miles yet to grade. Pennsylvania is largely interested in the early completion and success of this great thoroughfare, not only because she is the creditor of the company to the amount of three and a half millions of dollars, but for the additional, and more cogent reason, that the improvement, when completed, will open one of the most important channels of trade between the city of Philadelphia and the great lakes of the west, at the best harbor on Lake Erie, entirely within the limits of our own State, which has ever been contemplated. It will, moreover, develop the resources of a large portion of North-Western Pennsylvania, abounding with the richest minerals, and a lumber region of unsurpassed excellence, which the munificent hand of the State has hitherto totally neglected. By disposing of her branch canals to that company, in exchange for its mortgage bonds, the State has already largely aided in the construction of this great work; and it may be necessary, to insure its completion, that further legislation should be had in order to render the means of the company available. It is evident that a liberal policy, on the part of the government, will promote alike the interests of the Commonwealth and the railroad company; nevertheless, great care should be taken to protect, as far as possible, the debt now due from the company to the State. If all propositions which may be made for a change in the securities now held by the Commonwealth, be carefully considered by the Legislature, and no more yielded than sound economy demands, with proper provision for the due application of whatever means may be realized, it is be-



lieved, that sufficient relief can be granted to the company, to enable it promptly to finish the road, while the security remaining will be fully adequate to insure the ultimate payment of the principal and interest of the bonds of the railroad company now held by the Commonwealth.

I commend this subject to the Legislature, as one entitled to its most careful consideration, as well on account of its vast importance to that portion of the State through which the railroad passes—to the cities of Philadelphia and Erie—and to the railroad company—as to the Commonwealth herself. Premising that whatever policy it may be thought expedient to pursue, should be adopted solely with reference to the protection and furtherance of the public interests.

The attention of the Legislature is again invited to the subject of general education. At the present juncture it presents peculiar claims. The experience of a quarter of a century has satisfied the proverbially cautious people of Pennsylvania, of the adaptedness of the common school system to their wants and conditions. No less has the severe ordeal of the past three years shown its capability to endure those sudden reverses which occasionally prostrate the other interests of the community. Involving greater expenditure than the rest of the departments of government, and that, too, mainly drawn from direct taxation, it is a proud fact, that, while most of the enterprises of society have been seriously embarrassed, and some of them suspended, by the pecuniary crisis of 1857, our educational system has not been retarded in any appreciable degree. On the contrary, its operations have been maintained, to an extent which plainly indicates that our citizens fully appreciate its value. Contrasting its main results during the past year, with those of 1857, we find that the whole number of pupils now in the schools, is 647,414, being an increase of 44,422; these were taught in 11,



577 schools, 621 more than in 1857, during an average term of five months and five and one-half days, at a cost of fifty-six cents per pupil, per month, by 14,000 teachers, being 529 more than in 1857. The entire expenditure of the system, for the past year, including that of the School Department, is \$2,638,550.80. These figures afford some idea of the magnitude of the operations of the system; but neither words nor figures can adequately express the importance of its influence upon the present, or its relations to the future.

In contemplating the details of a plan for the due training of the youth of a community, its large proportions and imposing array of statistics do not display the points of its greatest importance. Pupils may be enrolled by hundreds of thousands; school-houses of the best structure and most complete arrangement may be dotted at convenient distances over the whole face of the land; the most perfect order of studies may be adopted, and the best possible selection of books made; but what are all these, without the learned and skillful, the faithful, moral and devoted teacher? Without this animating spirit, all is barren and unfruitful. In this vital department, I am happy to announce that the improvement of the common school teachers of the State shows more solid advancement, within the past three years, than any other branch of the system. This, therefore, being the point whence all real progress in learning and culture must originate, is also the one to which the fostering attention and care of the public authorities should be mainly directed.

Our peculiar mode of training teachers under the normal act of 1857, has now stood the test of practical experience; and, against the most adverse circumstances, has produced results decisive of its success. Already it has placed one institution in full operation in the southeastern part of the State, equal in standing and extent to any in the Union. Another, with all



the requirements of the law, has just recognition in the extreme north these noble, and peculiarly Pennsylvania your favor. Aid to them will be that can be made for the rising generation for our children, is the guarantee, that, whatever else we leave inheritance will be a blessing and nothing more is left, in the well willing hands, and the trust in God will have all that is essential.

Nearly eleven thousand of our now devoting their efforts to the common school, as directors. The more meritorious body of men. A annual State appropriation would material relief to the districts, at this some extent, disembarass directors.

It is not, however, the common and honorable to the State as it is, tire attention, in reference to Pennsylvania also boasts her collegiate, a professional, and philanthropic in erous private schools of every grade she is second to no member of the from mere want of attention to the she has thus far been ranked far behind. The present is not the proper grants to institutions of these classes fore received State aid. If it were ties do not possess the requisite just extension of liberality. The when all public educational agencies in one great system for the elevation of morals; and when the State will, every proper effort in the good work



For the details of the system, during the last school year, the attention of the Legislature is respectfully referred to the annual report of the Common School Department, herewith submitted.

I desire again, specially, to call the attention of the General Assembly to the Farmers' High School of Pennsylvania, as an institution which proposes to accomplish an object which has never been attained in this country—the supply of a want which has ever been felt by the agricultural community; the education of their sons, at once, to scientific knowledge, habitual industry, and practical skill, to fit them for the associations of rural life, and the occupation chosen for them by their fathers. The gains of the farmer, however certain, are small. The education of his sons should, therefore, be measured by the nature of his business. There seems to be no practical mode of cheapening education, but by combining an amount of expenditure, within the ability of a farmer, with the daily labor of the student, so as to make the institution so nearly self-sustaining as to bring it within the reach of that class who constitute so important a branch of the industry of our people. The original design of this school embraced the accommodation of four hundred students, a number essential to the economical working of the system; and, although the applications for admission are numberless, the utmost efforts of the trustees have not enabled them to complete more than one-third of the building, or to accommodate more than a corresponding number of students. Many individuals throughout the State, convinced of the merit of an institution which promises so much good, have contributed liberally to what has already been done; and the board of trustees have labored with a zeal which cannot fail to commend itself to the kind feeling of all our citizens. Scientific education has advanced the interests of every avocation of life—agriculture far less



than any other—and for the manife has not reached it to the same extent reach it, unless the body be educated well as the mind to the philosophical the plow's work developes.

I have always looked upon the Farn with peculiar favor, as well because victions of its promised usefulness, as has hitherto been shown to it by the of the people. Its charter requires tion of its receipts, expenditures and erally, and these will doubtless be l

By the act passed by the last Legis ing a system of free banking in Penn curing the public against loss from radical changes were made in the ban State. Instead of corporations cre laws, voluntary associations are aut act the business of banking, without ion, and as an indispensable prere suing of bank notes for circulation security must be deposited with the for their prompt redemption. The sion, not only for the incorporation associations, but enables banking in in existence, to continue their busi years after the expiration of their upon complying with its provisions, their old circulation, and giving the s for the redemption of their new issue am suré, will rejoice that no furthe for legislative action, either on the s new, or re chartering old banks; and attention of their Representatives wil no longer monopolized in the consid ject hitherto productive of so much tion, if not of positive evil.



The rapid increase of private banks, throughout the State, makes it eminently right that they should be placed under proper legislative restrictions, and that the large amount of capital, thus employed, should be made to contribute its fair proportion to the revenues of the Commonwealth. Their business, in the aggregate, is now believed to amount to a sum almost, if not quite, equal to the whole business of the regularly chartered banks; and yet it is entirely unrestricted, and, with the exception of a merely nominal license tax, is free from taxation. This is unjust to every other class of our tax paying citizens, and especially so to the banking institutions holding charters from the Commonwealth, for which they have each paid a liberal bonus, and are, in addition, subject to a very large tax on their dividends. I respectfully commend this subject to the attention of the Legislature.

A high sense of duty impels me again to call the attention of the Legislature to the inadequacy of existing laws, regulating the receiving, keeping and disbursements of the revenues of the State. The public moneys are now paid directly to the State Treasurer, who deposits them, at his own discretion, whenever and wherever he chooses, and pays them out in sums, either small or great, upon his own unattested check exclusively. The amount thus received, kept and disbursed is annually between three and four millions of dollars, with balances on hand, at times, exceeding one million of dollars; while the bond of the State Treasurer is for only eighty thousand dollars. His accounts are settled monthly by the Auditor General, by whom the receipts for money paid into the Treasury are countersigned, and these are the only safeguards provided by law to prevent the illegal and improper use of the money of the State, by the State Treasurer.

Happily the revenues of the Commonwealth have hitherto been safely kept, properly disbursed, and



promptly accounted for, by those in charge of the Public Treasury; but in view of the losses which have occurred elsewhere, and this fact should furnish no reason why we should not guard against loss in the future. In my former annual messages, I respectfully, recommend that provision be made.

First—That no money shall be deposited in the State Treasurer in any bank, or elsewhere, without first requiring ample security to be given for the Commonwealth for the prompt repayment of all moneys as may be deposited; and that such moneys shall be deposited in the office of the Auditor General.

Second—That all checks issued by the State Treasurer, shall be countersigned by the Auditor General, before they are used, and that daily statements be kept of the moneys received, deposited, and disbursed in the Auditor General's office, as well as in the various State and County Departments.

Third—That condensed monthly statements of the receipts and disbursements, by the signatures of the Auditor General and the State Treasurer, shall be published in one copy in Philadelphia and one in Harrisburg, and one in each of the various branches in the Treasury, and where deposited, shall show the particular amount of each deposit; and the amount of each disbursement.

Fourth—That the bond of the State Treasurer be increased to the sum of two hundred and fifty thousand dollars.

Our various charitable and reform institutions—the State Lunatic Hospital, at Harrisburg—the Western Pennsylvania Hospital for the Insane at Philadelphia—the asylums for the blind, and the deaf and dumb at Philadelphia—the Houses of Refuge at Philadelphia and Pittsburgh, and the Pennsylvania School for idiotic and feeble minded children at Media, will present their usual annual reports to the bounty of the State. These excellent



tinually dispensing benefits and blessings upon suffering and erring humanity, which can scarcely be over-rated. They are heartily commended to the discriminating liberality of the Legislature. I refrain, as I have heretofore done, from recommending, as proper objects for appropriations from the State Treasury, other charitable and benevolent institutions, not because they are undeserving the confidence and patronage of the public, but because they are local in their character, and in my judgment have no claims upon the common fund which can be admitted, in justice to the rights and interests of other portions of the Commonwealth.

The inspectors of the State Penitentiary for the Eastern District of Pennsylvania, in their annual reports for the years 1858 and 1859, called the attention of the Legislature to the insecurity of such parts of the penitentiary building as were exposed to their own fires and those of the neighborhood, and recommended that roofs of such of the corridors as were covered with shingles, and needed renewal, should be replaced with slate or metal. On visiting the institution, my attention was called to the subject by the inspectors. The necessity for the change was so apparent and urgent, that I advised them not to hesitate in having the old, dilapidated and dangerous wooden roofs of such portions of the building as required renewal, replaced with some substantial fire proof material. This has accordingly been done, and I respectfully recommend that a small appropriation be granted to defray the expense incurred.

I commend to your consideration the report of the State Librarian, whose attention to the interests of the Library under his care, deserves the warmest commendation. The system of exchanges, with the different States of the Union, and with foreign governments, commenced and prosecuted under his auspices, has re-



sulted in great advantages to the Library, and deserves the continued countenance of the Legislature. The increase of the Library, at a comparatively small expense to the State, has been such, that it now needs enlarged accommodations for the safe-keeping of the volumes and, if the increase continues, will soon require a separate building for its exclusive use.

The reports of the State Treasurer, the Auditor General, the Surveyor General, the Adjutant General, and the Attorney General, will inform you, in detail, of the operations of the government, as presented by those several departments, for the last fiscal year. They are entitled to the attentive consideration of the Legislature.

Soon after my inauguration, upon the recommendation of my predecessor in office, a dwelling house was purchased in this city for the residence of the Governor of the Commonwealth. The purchase included several articles of heavy furniture, then in the building, and a small appropriation would complete the necessary furnishing of the house, so as to make it a fit and convenient residence for the incoming Executive. I cheerfully recommend the immediate passage of a bill making a suitable appropriation for this purpose.

The extraordinary and alarming condition of our national affairs demands your immediate attention. On the twentieth of December last, the convention of South Carolina, organized under the authority of the Legislature of that State, by a unanimous vote, declared "That the union now subsisting between South Carolina and the other States, under the name of the United States of America, is hereby dissolved;" and the action already taken in several other southern States indicates, most clearly, their intention to follow this example.

On behalf of the advocates of secession, it is claimed, that this Union is merely a compact between the several States composing it, and that any one of the



States, which may feel aggrieved, may, at its pleasure, declare that it will no longer be a party to the compact. This doctrine is clearly erroneous. The constitution of the United States is something more than a mere compact, or agreement, between the several States. As applied to nations, a compact is but a treaty, which may be abrogated at the will of either party; responsible to the other party for its bad faith in refusing to keep its engagements, but entirely irresponsible to any superior tribunal. A government, on the other hand, whether created by consent, or by conquest, when clothed with legislative, judicial and executive powers, is necessarily in its nature sovereign; and from this sovereignty flows its right to enforce its laws and decrees by civil process, and, in an emergency, by its military and naval power. The government owes protection to the people, and they, in turn, owe it their allegiance. Its laws cannot be violated by its citizens, without accountability to the tribunals created to enforce its decrees and to punish offenders. Organized resistance to it, is rebellion. If successful, it may be purged of crime by revolution. If unsuccessful, the persons engaged in the rebellion, may be executed as traitors. The government of the United States, within the limits assigned to it, is as potential in sovereignty, as any other government in the civilized world. The Constitution, and laws made in pursuance thereof, are expressly declared to be the supreme law of the land. Under the Constitution, the general government has the power to raise and support armies, to create and maintain a navy, and to provide for calling forth the militia to execute its laws, suppress insurrection and repel invasion. Appropriate statutes have been enacted by Congress, to aid in the execution of these important governmental powers.

The creation of the Federal Government, with the powers enumerated in the Constitution, was the act



of the people of the United States, as immaterial that the people of the several States separately within the territorial limits of the United States created the Federal Government. The form of their action is of no consequence. It is of the fact that they created a Federal Government, which they surrendered certain powers to the Federal Government, and declared those powers, thus supreme, without reserving to the States the right of secession, nullification or rebellion. It is, therefore, clear that there is no right of secession. Secession is only rebellion. Nullification is only rebellion. Either, when attempted by force, is rebellion, and should be treated as such by those whose sworn duty it is to maintain the supremacy of the Constitution and laws of the United States.

It is certainly true, that in cases of oppression by the Government when the oppression of government is intolerable that civil war is preferable to rebellion. But where the authority of the Government is limited by a written Constitution, and is held in check by the other departments of the Government, if ever, happen that the citizen may not be protected, without resorting to the sacred right to resist and destroy a government which has been perverted to a tyranny.

But, while denying the right of a State to secede from the Union, and to deny citizens from the allegiance which they owe to the Federal Government, it is nevertheless his duty to resist. We should carefully and candidly examine the arguments which are advanced by those who have attempted to destroy the Union of the States, and if it shall appear that any of the arguments are well founded, they should be removed, and, as far as possible, made for the past, and security given



for it is not to be tolerated, that a government created by the people, and maintained for their benefit, should do injustice to any portion of its citizens.

After asserting her right to withdraw from the Union, South Carolina, through her convention, among other reasons, declares that she is justified in exercising, at this time, that right, because several of the States have for years not only refused to fulfill their constitutional obligations, but have enacted laws either nullifying the Constitution, or rendering useless the acts of Congress relative to the surrender of fugitive slaves—that they have permitted the open establishment of societies, to disturb the peace of other States; that the people of the non-slaveholding States have aided in the escape of slaves from their masters, and have incited to servile insurrection those that remain—and have announced their determination to exclude the South from the common territory of the Union. As the Representatives of the people of Pennsylvania, it becomes your solemn duty to examine these serious charges, made by the authority of a sovereign State.

Pennsylvania is included in the list of States that are charged with having refused compliance with that mandate of the Constitution of the United States, which declares “that no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.”

So far from admitting the truth of this charge, I unhesitatingly aver, that, upon a careful examination, it will be found that the legislative and judicial action of Pennsylvania, whether as a colony, as a member of the old confederation, or under the existing Constitution of the United States, has been almost invariably influ-



enced by a proper appreciation of her own obligations, and by a high regard for the rights, the feelings and the interests of her sister States.

As early as 1705, the provincial authorities of Pennsylvania, after reciting in the preamble, that "the importation of Indian slaves from Carolina, or other places, hath been observed to give the Indians of this province some umbrage for suspicion and dissatisfaction," passed an act against the importation of Indian slaves from any other province, or colony, in America, but at the same time declared, "that no such Indian slave, as deserting his master's service elsewhere, shall fly into this province, shall be understood or construed to be comprehended within this act." And when, in 1780, more than eight years before the Constitution of the United States went into operation, Pennsylvania passed her law for the gradual abolition of slavery, mindful of the rights of her confederates, she declared that "this act, or anything in it contained, shall not give any relief or shelter to any absconding or runaway negro or mulatto slave, or servant, who has absented himself, or shall absent himself, from his or her owner, master or mistress, residing in any other State or country, but such owner, master or mistress, shall have like right and aid to demand, claim and take away his slave, or servant, as he might have had in case this act had not been made." A provision much more unequivocal in its phraseology, and direct in its commands, than those found, on the same subject, in the Constitution of the Union. The act, by its terms, was made inapplicable to domestic slaves attending upon delegates in Congress from the other American States, and those held by persons while passing through this State, or sojourning therein for a period not longer than six months.

In 1788 it was made a high penal offence for any person, by force, violence or fraud, to take out of this



State, any negro or mulatto, with the intention of keeping or selling the said negro or mulatto as a slave, for a term of years. Soon after the passage of this act, the Supreme Court of Pennsylvania decided that it did not apply to the forcible removal of a slave, by the owner or his agent, but that its object was to punish the forcible or fraudulent abduction from the State of free negroes, with the intention of keeping or selling them as slaves. Thus, at that early day, giving judicial sanction to the doctrine, that a master had the right to take his slaves wherever he could find them.

The first act of Congress providing for the rendition of fugitives from justice or labor, was passed in 1793, and originated from the refusal of the Governor of Virginia to surrender and deliver up, on the requisition of the Governor of Pennsylvania, three persons who had been indicted in Pennsylvania for kidnapping a negro, and carrying him into Virginia. And when it was found that this Congressional statute did not afford a simple, speedy and efficient remedy for the recovery of fugitives from labor, the Legislature of Pennsylvania, at the request of the adjoining State of Maryland, in 1826, passed her act "to give effect to the provisions of the Constitution of the United States relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping." This excellent and well considered law met all the existing emergencies. It required the judges, justices of the peace and aldermen, of the State, upon the oath of the claimant, to issue their warrant for the arrest of any fugitive from labor escaping into this State; directing, however, that such warrants should be made returnable, by whomsoever issued, before a judge of the proper county. It required sheriffs and constables to execute such warrants. It authorized the commitment of the fugitive to the county jail, and otherwise made provisions to secure its effective execution, and at the same time to prevent its abuse.



This law continued quietly in operation until the decision of the Supreme Court of the United States, made in 1842, in the case of *Prigg vs. The Commonwealth of Pennsylvania*. The history of this case may be briefly stated: Edward Prigg was indicted in the court of oyer and terminer of York county, for kidnapping a colored person, named Margaret Morgan. Upon the trial it appeared that she was held as a slave in the State of Maryland, and that she escaped into the State of Pennsylvania in the year 1832—that in 1837, Edward Prigg was appointed, by the owner of the slave, to seize and arrest her as a fugitive from labor. In pursuance of this authority, and under a warrant issued by a justice of the peace, Prigg caused the negro woman to be arrested, and without having obtained any warrant of removal, he delivered her to her owner in the State of Maryland. These facts were found by a special verdict, and by the agreement of counsel, a judgment was entered against Prigg. From this judgment a writ of error was taken to the Supreme Court of the State, where a pro forma judgment of affirmance was again, by agreement, entered, and the case removed to the Supreme Court of the United States.

It will be observed that the question, whether Edward Prigg was really guilty of the crime of kidnapping, under the Pennsylvania statute of 1826, was never actually passed upon, either by the court or jury, in the county of York, or by the Supreme Court of the State. The jury merely found the facts, and the action of both courts was but a matter of form.

In the argument and determination of the case, in the Supreme Court of the United States, it appears to have been taken for granted, that our act of 1826 made it a criminal offence for a master to take his slave out of this State, without a warrant of removal; and, upon this construction, the act was declared unconstitutional and void. This, I submit, was a clear misappre-



hension of the purport and meaning of our legislation. The first section of the act of 1826, under which the indictment against Prigg was framed, was almost literally copied from the seventh section of the act of 1788, to which a construction had already been given by the highest judicial tribunal of the State of Pennsylvania, where it was held to have no application whatever to the removal of a slave by the master or his agent, with or without a warrant. Such was the undoubted law of the State under the statute of 1788, and in re-enacting that statute, in the act of 1826, with an increased penalty, it is manifest that the intention and object of the Legislature was to protect free persons of color, and to punish those who, by fraud, force or violence, were guilty of kidnapping, and holding or selling free men as slaves. This the State had a clear right to do; and nothing but a misconstruction of her act, could have induced the declaration that it was forbidden by the Constitution of the United States. It is perfectly clear, that Edward Prigg had committed no crime in removing Margaret Morgan from the State of Pennsylvania to the State of Maryland, and delivering her up to her owner; and it is equally clear, that no attempt was made, by the statute of Pennsylvania, to declare his act a crime. He should have been discharged, not because the act of the State was unconstitutional, but because he had not transgressed its commands.

The Supreme Court of the United States not only pronounced the particular section of the act of 1826, then before them, unconstitutional, but a majority of the court held that the whole act was void, because the power to provide for the rendition of fugitives from labor, was vested exclusively in Congress, and the several States were, therefore, incompetent to pass statutes either in aid of, or to hinder, delay or prevent, the delivery of such fugitives. That this was the extent of the decision, as delivered by Judge Story, not only ap-



pears from the opinions of the majority, but also from the dissenting opinions delivered by the minority of the court. By this unfortunate decision, it was authoritatively proclaimed that Pennsylvania, in enacting her liberal statute of 1826, making it the duty of her own officers to aid in arresting and delivering up fugitives from labor, had mistaken her constitutional obligation, and that her act was in violation of, rather than obedience to, the Constitution of the United States. Under such circumstances, it was the manifest duty of the State to repeal her law thus declared unconstitutional. This was done by the act of 1847; and if that act had contained nothing more than a repeal of the law of 1826, and the re-enactment of the law against kidnapping, it could not have been subject to any just complaint. But the third section of the act of 1847, prohibits, under heavy penalties, our judges and magistrates from acting under an act of Congress, or otherwise taking jurisdiction of the case of a fugitive from labor; and the fourth section punishes with fine, and imprisonment, the tumultuous and riotous arrest of a fugitive slave, by any person or persons, under any pretence of authority whatever, so as to create a breach of the public peace. The sixth section, denying the use of the county jails for the detention of fugitive slaves, was repealed in 1852, and need only be referred to as showing the general spirit of the act. The seventh section repealed the provisions of the act of 1870, which authorized persons passing through our State to take their slaves with them, and gave to sojourners the right to bring their slaves into the State, and retain them here for any period not exceeding six months.

The provisions of the third and fourth sections of the act of 1847, seem to have been predicated upon the language of the Supreme Court in Prigg's case. It is there admitted that the several States may prohibit their own magistrates, and other officers, from exer-



cising an authority conferred by an act of Congress; and that while an owner of a slave, under and in virtue of the Constitution of the United States, is clothed with power, in every State of the Union, to seize and recapture his slave, he must, nevertheless, do so without using any illegal violence, or committing a breach of the peace. It is evident that the framer of the act of 1847, had closely studied the case of *Prigg vs. The Commonwealth of Pennsylvania*, and had kept his law strictly within its letter. In many respects, the act is a codification of the principles enunciated by the court; and more fault may justly be found with its temper than its want of constitutionality.

If fugitive slaves were still claimed under the act of Congress of 1793, the denial to the master of the aid of State judges and magistrates, might be a source of great inconvenience to him; but the complete and perfect remedy now provided by the act of Congress of 1850, renders him entirely independent of State officers. And the punishment of arrests without warrant, by a master in the exercise of his constitutional right of recaption, but made in a violent, tumultuous and unreasonable manner, amounting to a breach of the peace, is but recognizing, by statute, what was before the common law. These sections were re-enacted in the revised penal code of Pennsylvania, at the last session of the Legislature, and are still the law of the State; but they are not now of any practical importance, and as their retention on our statute book is calculated to create the impression that the people of this State are unfavorable to the execution of the fugitive slave law, and the discharge of their confederate duties, and with the view of removing this subject of reproach, I earnestly recommend their unconditional repeal.

While a majority of the judges of the Supreme Court of the United States, in the *Prigg* case, held, that a State had no constitutional right to provide by legisla-



tion for delivering up fugitives from were then of the opinion that State with, and in aid of, the constitutiona valid and proper. And this minorit the judgment of the present court, as in a case which arose in the State of I therefore, nothing to prevent the rev 1826, and its restoration to the plac which, by its merits, it is so justly ent leave to the option of the claimant, seek his remedy under State or Nation this right before the repeal of our ac my opinion, no good reason can be ass to place him again in the same positio

I would also recommend that the State be given, that the master, while State, for a limited period, or passing be accompanied by his slave, without to his service. While such legislat comity which should ever exist betw States of this Union, it would undoub to restore that peace and harmony, unwisely imperiled. By it Pennsylv cede no principle—we would simply upon our ancient policy, adopted at people were themselves struggling for never departed from, until, by a mis meaning, one of our most important clared unconstitutional. From 1780, of sixty-seven years, Pennsylvania, he permitted the citizens of other States her limits, with their slaves, for any ing six months, and to pass through th ing from one State to another, free tion. Was she injured, or was the cau dom retarded, by the friendly grant This question cannot be truthfully an



firmative; but it may be safely averred, that by changing our policy, in this respect, we have in some degree, at least, alienated from us the feelings of fraternal kindness, which bound together, so closely, the sisterhood of States. Let us, then, renew this pledge of amity and friendship, and once more extend a kindly welcome to the citizens of our common country, whether visiting us on business or pleasure, notwithstanding they may be accompanied by those who, under the Constitution and the laws, are held to service and labor.

The Territories of the United States belong to the General Government, and in those territories the people of the several States unquestionably have equal rights. They were acquired by means of the common expenditure of blood and treasure. By the Federal Constitution power is given to Congress "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." Whether under this, or any other power conferred by the Constitution, Congress can prohibit or protect slavery in the territories, has been seriously questioned. But, if the power to legislate upon this delicate and important subject were clearly vested in Congress, in my judgment it ought not to be exercised. To declare that slavery shall not exist in the Territories, is calculated to exclude from their occupancy the citizens of the southern or slaveholding States; while, to make it a legal institution in all the territories of the United States, by Congressional enactment, and to provide for its continuance during their entire Territorial existence, would be equally injurious to the people of the free States. The principle adopted in the Compromise measures of 1850, for disposing of the question of slavery in New Mexico and Utah, and reiterated in the Kansas and Nebraska bills of 1854, of non-intervention by Congress with slavery



in the States and in the Territories, is the true rule. It is the duty of Congress, when a sufficient number of hardy and adventurous pioneers find their way into our distant Territories, to furnish them a shield of protection and a form of government; but to the people themselves belongs the right to regulate their own domestic institutions in their own way, subject only to the Constitution of the United States.

While these views have been long entertained by me, and while I am sincerely of the opinion that their general adoption, and faithful enforcement, would have preserved, and may yet restore, peace and harmony to all sections of our country, I am nevertheless not so wedded to them as to reject, unceremoniously, all other propositions for the settlement of the vexed questions which now threaten to sunder the bonds which for three-quarters of a century have made us one people. Forty years ago, our fathers settled an angry controversy growing out of a similar question, by dividing the Territories purchased from France, and providing that slavery, or involuntary servitude, should not exist north of a certain line; and the whole country acquiesced in that compromise. In 1854, that restriction upon slavery was removed, and the people of all the Territories were left free to decide the question for themselves. Now the sectional issue is again presented, by the dominant party in the north, claiming that slavery cannot legally go into the Territories, even if sanctioned by Congress, or the Territorial Legislature; and that it is the right and the duty of Congress to prohibit its existence. While the doctrine which obtains with a majority of the people in most of the southern States, is, that under the Constitution, the Territories are all open to slavery; that neither Congress nor the Territorial Legislature can lawfully prohibit its existence, and that it is the duty of Congress to provide for it all needful protection. May we not wisely fol-



low the example of our fathers, by re-enacting the old compromise line of 1820, and extending it to the boundary of California? Not by the means of legislation of doubtful constitutionality, but by an amendment to the Constitution itself, and thus permanently fix the condition of the Territories, so that those who desire to occupy them, may find a home, at their discretion, either where slavery is tolerated, or where it is prohibited. If the adoption of such an amendment would peacefully settle the difficulties which now surround us, I am satisfied that it would be sanctioned by the people of Pennsylvania. At all events, they should have an opportunity to accept or reject it, if made as a peace offering. I would, therefore, recommend the General Assembly to instruct and request our Senators and Representatives in Congress, to support a proposition for such an amendment of the Constitution, to be submitted for ratification or rejection, to a convention of delegates, elected directly by the people of the State.

In the event of the failure of Congress speedily to propose this, or a similar amendment, to the Constitution, the citizens of Pennsylvania should have an opportunity, by the application of some peaceable remedy, to prevent the dismemberment of this Union. This can only be done by calling a convention of delegates, to be elected by the people, with a view solely to the consideration of what measures should be taken to meet the present fearful exigencies. If Congress should propose no remedy, let it emanate from the source of all authority, the people themselves.

Every attempt, upon the part of individuals, or of organized societies, to lead the people away from their allegiance to the government, to induce them to violate any of the provisions of the Constitution, or to incite insurrections in any of the States of this Union, ought to be prohibited by law, as crimes of a treasonable nature. It is of the first importance to the perpetuity



of this great Union, that the hearts  
the action of their constituted autho  
unison, in giving a faithful support  
of the United States. The people o  
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man.

In accordance with the provisions  
of the State, I shall soon resign the  
cutive of Pennsylvania, with which  
trusted me, to him whom they have  
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the duties that have devolved on me  
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and our glorious Republic. The  
cloud does indeed rest upon us; bu  
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us before Him, will restore us again  
us together in stronger and more  
fraternity, to remain unbroken thro

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Executive Department,  
Harrisburg, January 2, 1861.



To the Assembly Vetoing "An Act Relative to the Register of Wills and Clerk of the Orphans' Court of Dauphin County."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**I**MMEDIATELY PRECEDING THE FINAL ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "An Act relative to the register of wills and clerk of the orphans' court of Dauphin county."

The bill provides, "That from and after the first day of December, 1860, the register of wills, of the county of Dauphin, shall also be the clerk of the orphans' court of said county, and shall perform the duties of said office and receive the fees as now prescribed by law." The term of the present register of wills does not expire until the first day of December, 1861, and the bill proposes to appoint him, by legislative enactment, clerk of the orphans' court from December 1, 1860, to December, 1861. This clearly cannot be done. The Constitution of the State interdicts such an exercise of legislative power. No man can legally fill the office of clerk of the orphan's court, unless he shall have been elected as such by the people, and commissioned by the Governor, or appointed by the Governor to fill a vacancy. The Legislature may provide that one person shall be elected as register of wills and clerk of the orphans' court; but it cannot take from the people and the Governor the power of appointment, and declare that a register of wills, elected and commissioned as such only, shall also be the clerk of the orphans' court. I have heretofore stated, at some length, the constitutional objections to legislation of this character, in returning to the General Assembly, without the Executive approval, bills



similar to the one now under  
tention of the Legislature is  
communications from the Exec  
bills, to be found on page 941  
House of Representatives of 1  
Journal of the Senate of 1859.

The legislation proposed by  
judgment, forbidden by the C  
vania, I am compelled to with  
tive approval. It is according  
the House of Representatives,  
re-consideration.

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To the Assembly Vetoing "  
Sheriff of Lancast

Harris

Gentlemen:—

**W**ITHIN TEN DAYS OF T  
ment of the last Ge  
was presented for my  
Act relative to the sheriff of I

The bill provides, "That her  
of the sheriff of Lancaster co  
the third Monday of Novemb  
election," and repeals all laws  
Upon a careful consideration o  
that it is in conflict with the  
article of the Constitution of  
clares that "sheriffs and coro  
and places of election of Rej  
by the citizens of each count



chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified."

A person legally chosen and commissioned as sheriff has a constitutional right to his office for three years, and until his successor is duly qualified, if he shall so long behave himself well. His term of office, except when appointed to fill a vacancy, cannot be for a less period than three years, but it may be increased in duration, if his successor shall not, at the proper time, be duly qualified. To constitute due qualification, there must be—1st. An election by the people or an appointment by the Governor; 2d. Bonds and recognizances must be given and duly approved; and 3d. A commission must be issued by the Governor, and duly recorded by the recorder of the proper county. Until these requirements are all complied with, the incoming officer is not duly qualified, and consequently the sheriff in commission is, by the Constitution, entitled to the office.

The bill under consideration proposes that the one term shall expire, and the other commence on a day certain, whether the newly elected officer be duly qualified or otherwise. This clearly cannot be done. Until a successor be duly qualified, it is not in the power of the Legislature, by an enactment, to limit the term of office of the sheriff in commission. The statute now in force throughout the Commonwealth meets the case, not by fixing a particular day for the commencement of the term of office of a sheriff, but by providing that no one elected or appointed to the office of sheriff shall enter upon the duties of his office until after his commission shall have been duly granted and left with the recorder of the county for recording. This is, in my opinion, a wise and proper provision, and ought not to be marred by special en-



actments, for particular counties, even if such enactments were free from constitutional objections.

The sheriffs of the several counties are commissioned for the term of three years from the second Tuesday of October, the day on which they are elected. If the objections to this bill, already urged, were not, to my mind, conclusiye, it might not be amiss to inquire into the constitutional power of the Legislature to prevent, even for a limited period, a person chosen by the people, in accordance with the Constitution and laws, and duly qualified, from entering upon the discharge of the duties of his office, and thus extend the term of his predecessor. If the time at which the incoming sheriff shall enter upon his official duties can be postponed by an act of Assembly for six weeks after he is duly qualified, what is to prevent its postponement for a much longer period? And then what is to prevent the repeal of such a statute; thus rendering the term of the sheriff's office the subject of a Legislative scramble? This surely was not contemplated by the framers of the Constitutions.

With these, my objections to the passage of this bill, it is herewith returned, without my approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



To the Assembly Vetoing "An Act Authorizing the Opening of Drum Street from Buttonwood Street to Noble Street, in the City of Philadelphia."

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Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**ON THE DAY PRECEDING THE FINAL ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "An Act authorizing the opening of Drum street from Buttonwood street to Noble street, in the city of Philadelphia."**

The bill authorizes and directs the city councils to open Drum street, in the city of Philadelphia, from its present terminus to Noble street, directs the court of quarter sessions of the city to appoint a view to assess the damages, and requires the city to make an appropriation to pay the damages when ascertained.

Adequate provision having already been made by law for opening streets in the city of Philadelphia, through the action of its own local tribunals, I am clearly of opinion that it would be unwise and inexpedient to provide by special acts of Assembly for particular cases. Whether Drum street should or should not be opened to Noble street, can surely be better determined by the proper authorities of the city of Philadelphia, than by the members of the Legislature and the Governor. In this and similar cases, the fair presumption is, that if the application be a meritorious one, it will be readily granted by the proper local tribunal having jurisdiction of the subject, and if refused there, it should meet with no favor elsewhere.

If the proposed street is already laid out on any of the public plans of the city, it may be opened by order



of the city councils. If it has not been heretofore laid out as a public street, it clearly should not be opened until proper proceedings have been had in the court of quarter sessions for laying it out and dedicating it to public use. The interference of the Legislature in reference to particular streets, can only be justified in cases where no other power is competent to do that which should manifestly be done; and as no such necessity exists in this case, I have deemed it my duty to return it, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Extend the  
Charter of the Columbia Bank."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

ON THE 31ST DAY OF MARCH LAST, A BILL was presented for my approval, entitled "An Act to extend the charter of the Columbia Bank."

The bill provides, "that the corporate duration of the Columbia Bank, be and the same is hereby extended and continued, for and during the period of fifteen years, from and after the time limited for the expiration of the present charter of the bank."

The existing charter of the Columbia Bank will not expire until the first Wednesday of May, 1864,—there can, therefore, be no necessity for legislative action on the subject at this time. But my principal objection to this bill is, that it does not conform to the gen-



eral law of the State on the subject of banking. On the 31st day of March last, an act was passed by the General Assembly, establishing a general system of banking, changing, very materially, and in my opinion greatly improving the system which had hitherto obtained in this Commonwealth. By that act ample provision is made not only for the establishment of new banks, but for the continuance of those now in existence, having special charters. Any banking institution, by a vote of its stockholders, and by complying with the provisions of the act, may continue the business of banking under the general law for a period of twenty years. The renewal of the charter of this or any other bank, is therefore wholly unnecessary and improper, unless this Legislature shall determine to abandon the system so wisely inaugurated by its immediate predecessor. Indeed if new charters are to be granted by special enactments, or if those now existing are to be renewed from time to time, and the attention of the Legislature is to continue to be engrossed with passage of bank charters, conferring special privileges upon the favored few who may obtain them, one of the great objects aimed at by the framers and friends of the general law will have utterly failed. Pennsylvania, by the importunities and controlling influence of interested parties, was the last among her neighboring States in establishing a general system of free banking. Having advanced a step in the right direction, giving to every man the privilege of banking, if he has the means, and effectually closing the door against all others, it would, in my opinion, be a public calamity, if she were, under any pretext whatever, by a retrograde movement, to lose the advantages of the position she has gained. If, on the contrary, all attempts to obtain new acts of incorporation, or to renew old charters, are sternly resisted by the Legislature, it will be but a brief period



until all our banking institutions will be organized under the general free banking law—the law itself will be improved and perfected, if it be defective—our paper currency will be secure beyond a peradventure—and the interests of the public, in their relation to the banks, abundantly protected.

Experience has satisfactorily demonstrated, that the laws under which the existing banks of this Commonwealth were chartered, furnish little or no protection to the community, when protection is most required. It is conceded that the system is radically defective. And while it is not pretended that the law of last session is perfect, or that it may not be amended, it is undoubtedly a vast improvement on the old system, and should not, in my judgment, be abandoned by the Legislature before it has gone into full operation. Free banking is working well in other States. Why should it not succeed in Pennsylvania? So far as the present Executive is concerned, he feels himself in the discharge of a high public duty, in determining that it shall have a fair trial.

The bill under consideration is therefore herewith returned, without my approval, to the House of Representatives, where it originated.

WM. F. PACKER.

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To the Assembly Vetoing “An Act to Incorporate the Parham Sewing Machine Manufacturing Company of Pennsylvania.”

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT THE EXECUTIVE approval, to the House of Representatives, where it originated, the bill, entitled “An Act to incorporate the Parham Sewing Machine manufacturing company of Pennsylvania.”



This bill was presented to me on the day preceding the final adjournment of the last General Assembly, and my approval was withheld from it for the reason, that the proposed company may obtain their charter under the general manufacturing law of this State and its various supplements.

Having heretofore, on several occasions, presented to the Legislature my objections to legislation of this character, it cannot be necessary to again repeat them. They will be found, in detail, in a communication which I had the honor to lay before the last General Assembly, in returning, without my approval, the bill, entitled "An Act to incorporate the Packer iron company."

WM. F. PACKER.

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To the Assembly Vetoing "A Supplement to an Act Relating to the Collection of State and County Taxes in the County of Bucks."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "A supplement to an act relating to the collection of State and county taxes in the county of Bucks."

The second section of the act provides, "that the fees to be received by the constables and collectors of taxes in said county, shall be ten per cent. on the amount of all county tax, and five per cent. upon all State tax collected by them prior to the first day of December in each year, and ten per cent. on all State tax collected after said date."



By the act approved the 29th day of March, 1859, the county of Bucks has a system for the collection of State and county taxes differing from the general law of the State. Under that act it is made the duty of the county treasurer to attend in each township and borough for the purpose of receiving taxes, and, after the 28th day of September in each year, to issue his warrant to the several constables of the respective townships for the collection of the unpaid taxes, who are allowed four months to collect the balances outstanding.

The proposition in the bill before me is to give to the constables and collectors five per cent. for all State taxes collected by them before the first of December, and ten per cent. for all collected after that date. It will be remembered that the time allowed constables and collectors to settle their warrants and duplicates is until the 28th of January of the succeeding year, and as they are not bound to make collections before the first day of December, it is evident that this bill would give them a premium for negligence, by doubling their commissions, if they do not make their collections until after that date. In my opinion the rule should be reversed. True policy would dictate a premium for promptness rather than for delay.

The bill is also subject to the objection, that under its provisions the per centage allowed for collecting the State taxes in Bucks county, would be considerably greater than that authorized in other counties of the State, for similar services, under the general law. The compensation allowed to collectors for collecting State taxes is five per cent., and to county treasurers one per cent., thus making the cost of collecting the State, on real and personal estate, six per cent. In the county of Bucks, by the provisions of



the special law before referred to, the county treasurer receives six per cent. commissions (four per cent. of which goes to the county) on all the State tax accounted for by him, and for that portion which may be collected by the constables, five per cent. additional is charged. It is now proposed to add five per cent. more on all sums that may be collected after the first day of December in each year. Should the bill under consideration become a law, the expense to the Commonwealth for collecting her tax on real and personal estate, in the county of Bucks, would be six per cent., besides the abatement for all taxes collected before the 28th of September in each year, eleven per cent. for all collected between the 28th of September and the first of December, and sixteen per cent. for all collected after the first day of December; while in nearly every other county of the Commonwealth, the entire cost of collecting the same tax, is but six per cent. I am not able to perceive why the rule should not be uniform, and the same commissions allowed in all the counties of the State.

With these, my objections, thus briefly stated, the bill is herewith returned, without my approval, to the Senate, where it originated; for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act to Incorporate the Society Buildings Company."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

ON THE DAY BEFORE THE ADJOURNMENT OF the last General Assembly, a bill was presented for my approval, entitled "An Act to incorporate the Society Buildings company."



This bill proposes to incorporate a company with a capital not exceeding two hundred thousand dollars, with power to purchase, hold and sell real estate, and to erect buildings thereon, for lodging and other purposes, in the city of Philadelphia, and to rent the same, from time to time, as may be thought advisable.

My objections to the bill are:

First. That it is wholly unnecessary to incorporate companies to erect and sell or lease buildings, as that object can be better accomplished by individuals or co-partnerships.

Second. That the creation of irresponsible corporations, for such purposes, is not only unnecessary, but is calculated seriously to interfere with the legitimate business of private individuals.

Third. That lodging, or tenement houses, erected and controlled by such corporations, without the guaranty of the individual reputation of the builder and owner, would in all probability be so constructed and managed as to endanger the health, if not the lives, of their occupants.

For these reasons, as well as for the additional one, that corporate powers ought never to be granted to individuals, except in cases of plain public necessity, which necessity most manifestly does not exist in this case, I am constrained to withhold my approval from the bill under consideration, and to return it to the Senate, where it originated.

WM. F. PACKER.



To the Assembly Vetoing Bills for the Incorporation  
of Certain Companies.

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE,  
where they originated, without the Executive ap-  
proval, bills numbered and entitled as follow, viz:

No. 660. "An Act to incorporate the Duncan's Island  
iron company."

No. 859. "An Act to incorpoarte the Allegheny oil  
company."

These bills were presented to me for approval, immediately preceding the final adjournment of the last General Assembly, and my reason, briefly stated, for declining to approve them is, that both companies may be chartered under the general manufacturing law of the 7th of April, 1849, and its various supplements. During my entire Executive term, I have invariably refused to approve bills incorporating manufacturing, mining and other companies of a kindred character, which were amply provided for by the general law. For my views on this subject in detail, I respectfully refer the attention of the General Assembly to a communication addressed to the last Legislature, in returning, with my objections, the bill, entitled "An Act to incorporate the Packer iron company," to be found on the Journal of the Senate, page 30.

WM. F. PACKER.



To the Assembly Vetoing "An Act for the Relief of John Mong, of Somerset County."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

**O**N THE 30TH OF MARCH LAST, A BILL WAS presented for my approval, entitled "An Act for the relief of John Mong, of Somerset county."

This bill directs the State Treasurer to refund to John Mong the sum of eighty-four dollars and fifty cents, paid by him to the Treasury, on a warrant for three hundred acres of land, which it is alleged, in the preamble to the bill, had been previously appropriated.

The amount of money which this bill directs to be refunded is so small, that of itself, it would scarcely justify Executive interference; but the precedent it would establish, would, beyond all doubt, prove most injurious to the interests of the Commonwealth. Other parties, similarly situated, would be equally entitled to relief, and would not be slow in pressing their demands upon the Legislature. The result would be, if they were successful, and there are thousands of other claims, as meritorious as the one under consideration, that the Treasury would be drained to the extent of hundreds of thousands of dollars.

Where the Commonwealth grants to an applicant a descriptive warrant, and, before the survey is actually made and returned, the holder ascertains that the land described has already been surveyed, upon a prior warrant, he may shift his location, and appropriate any other vacant land within the district of the deputy surveyor to whom the warrant may be directed. But whether the warrant be descriptive or otherwise, there is neither an express nor an implied guaranty of title to the land surveyed under the warrant. The warrant is issued at the Land Office, at the instance of the ap-



plicant, and the location is made at his risk. If he cause it to be made upon land already appropriated, it is his own fault, and he must bear the loss. He has no claim, either legal or equitable, upon the Commonwealth for remuneration. This rule has been invariably followed in the disposition of our public lands, and its tendency has been, in some degree, to restrain speculative purchases, and to prevent disputes arising upon conflicting surveys. I am entirely satisfied that any innovation upon this long established practice of the Government, would be fraught with mischief, and that consequently the legislation proposed is unwise and inexpedient. For the reasons thus briefly stated, I have withheld my approval from this bill, and herewith return it to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

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To the Assembly Vetoing "An Act Relating to the Districts of the Supreme Court, and Regulating the Issuing of Process Therein."

Executive Chamber,  
Harrisburg, January 3, 1861.

Gentlemen:—

ON THE DAY PRECEDING THE FINAL ADJOURNMENT of the last General Assembly, a bill was presented for my approval, entitled "An Act relating to the districts of the Supreme Court, and regulating the issuing of process therein."

The first and second sections of the bill provide for the abolition of the Northern district of the Supreme Court, at Sunbury; and for transferring the counties now embraced in that district to the Middle district,



at Harrisburg. To this proposition I do not object. The third section, however, after changing the time for holding the term of the Supreme Court for the Western district, from the third Monday of October to the first Monday of September, provides, "That hereafter it shall not be lawful for the said court, or any of the judges thereof, to issue any writ or process of any kind, commanding or requiring any person or party to appear before the said court, or any judge thereof, at any place not within the district of said court wherein such person may reside or such party may be located."

After a careful consideration of the question involved in this latter proposition, I am clearly of opinion that the Legislature cannot lawfully limit the general process of the Supreme Court to particular and specified districts within the Commonwealth. The fourth section of the fifth article of the Constitution of Pennsylvania provides, that "the jurisdiction of the Supreme Court shall extend over the State," and under this provision, it has been repeatedly decided by the Supreme Court, that it had jurisdiction to hear arguments, pronounce judgments and decrees, and to issue orders and other process in one district on causes originating in another. It has also been held by the same court that, as the extent of the jurisdiction was fixed by the Constitution, it could not be limited by an act of Assembly. It is true, that by the Constitution the court has but a limited chancery jurisdiction, which may be extended, from time to time, by legislative enactment; and it has been held that the exercise of this special jurisdiction might be limited to particular counties, by the act conferring the jurisdiction. The decisions in the latter case, however, do not affect the question now under consideration, for the bill does not give to the court a new jurisdiction, to be exercised in a particular manner, but proposes to limit



and restrain the general power of the court to issue writs, and process of every description, to the particular districts wherein the defendants or respondents may reside at the time the writ or process may be issued. It is not to be doubted that the Legislature may divide the State into districts, and require sessions of the Supreme Court to be held in each, for the purpose of hearing arguments and deciding cases; but it by no means follows, that the general jurisdiction throughout the State, given by the Constitution, may be limited and restrained so that it cannot, at all times, be so used as to meet the exigencies of any given case.

Whether the Supreme Court has power and jurisdiction to issue process, at all times, throughout the entire State, and whether this power can, in any degree, be impaired by the Legislature, are judicial questions; and, as the decisions of that court, upon these questions, are absolutely conclusive in the cases in which they arise, it is vain for any other department of the Government to deny their binding force, or to attempt to establish a rule differing from that settled by the court itself. That this bill, should it receive the Executive sanction, would be declared unconstitutional by the Supreme Court, and its provisions utterly disregarded, is perfectly manifest, from the decisions heretofore made, and consequently the only possible result of its approval would be the indication, on the part of the law-making power, that the highest judicial tribunal of the State could not safely be trusted with the performance of its own legitimate duties in its own way, and thus, perhaps, indirectly, invite disobedience, on the part of the citizen, to the process of the court. As I do not distrust either the wisdom or the disposition of the court rightly to exercise its allotted jurisdiction, and believing that any impression that may have been made on the public mind, averse to render-



ing prompt and cheerful obedience to the decisions of our courts of justice, should be at once and forever removed, as utterly subversive of all order and good government, I cannot willingly aid in producing results which, although not so intended, are, in my opinion, pregnant with mischief.

But if there were no constitutional objections to the bill under consideration, I could not give it my approval, for, in my judgment, it would be unwise and inexpedient to prohibit the Supreme Court, or any of its judges, from issuing writs, or other process, commanding the appearance of parties or persons at a place out of a particular district where such persons or parties may reside. Can any good reason be possibly assigned why the Supreme Court of the State should have less power in issuing writs than our inferior judicial tribunals? Every court of common pleas, as well as every district court in the State, may send its writ of subpoena and its writ of attachment to any county within the State, to notify and compel the attendance of witnesses in any case pending in such court; and yet this bill proposes to withhold this power from the Supreme Court, or either of its judges. How would this work practically? The judges of the Supreme Court are ex-officio justices of the oyer and terminer and general jail delivery, in all the counties of the State. Suppose one or more of them to be holding a court of oyer and terminer for the trial of capital cases in the city of Philadelphia. Under the provisions of this bill, witnesses could not be subpoenaed, nor attachments issued, to compel their attendance from the counties of Berks or Lancaster, for neither of those counties belong to the Philadelphia district. The court of nisi prius, which holds its sessions for several months in each year, for the trial of issues of fact in the city of Philadelphia, would possess no power to summon witnesses from any county not in-



cluded in the Eastern district of the Supreme Court. And in other cases, as well as in the instances referred to, this prohibition would seriously interfere with the due administration of justice. The Supreme Court holds its terms but once a year in each district of the State, and in some of them the session is for but a few weeks. It not unfrequently happens that a proceeding commenced in the court in one district, where the personal attendance of the party is required, cannot be terminated before the session ends. The case must, therefore, either be postponed for an entire year, or the attendance of the party required in another district. Surely the power to hear and terminate in one district business which may have been commenced in another, leaving to the sound discretion of the court the propriety of the exercise of such power, in view of all the circumstances of the case, is not only highly necessary, but is eminently proper, and should not, in my opinion, be molested by the Legislature.

Being, therefore, clearly of the opinion that the proposed legislation is alike unconstitutional and inexpedient, I am constrained to withhold the Executive approval from the bill under consideration, and to return it herewith to the Senate, in which it originated, for re-consideration, in accordance with the provision of the Constitution.

WM. F. PACKER.

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To the Assembly Concerning a Vacancy in the State  
Treasurership, with the Resignation of the Late  
Incumbent of that Office.

Executive Chamber,  
Harrisburg, January 9. 1861.

Gentlemen:—

**T**HE ONE HUNDRED AND SEVENTY-SECOND  
section of the act of 2d of July, 1839, provides  
that "when a vacancy in the office of State Treas-  
urer shall happen by resignation or otherwise, the Leg-



islature, if in session, shall within five days after being informed of the same by the Governor, to supply such vacancy by an election.' In accordance with this provision, I herewith transmit to the General Assembly, copies of the letter of Mr. Slifer, informing me of his resignation as State Treasurer, to take effect on the 12th instant. It will therefore be your duty, within five days after the period, to proceed to supply the vacancy thus created.

WM. F.

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Treasury Department of Pennsylvania,

Harrisburg, Jan. 12, 1861.

To His Excellency, Wm. F. Packer:

Dear Sir—I hereby tender you my resignation as State Treasurer, to take effect on Saturday the 12th instant.

In resigning the trust bestowed on me by the Legislature, it affords me great pleasure to find that the finances of the State are in most excellent condition, notwithstanding the financial difficulties of the country. The receipts, since the close of the fiscal year, (November 1st last), are largely in excess of those for the same period last year.

Whilst I claim to have labored with fidelity in the discharge of my duties, I acknowledge the cordial co-operation of your Department, and that of the Auditor General, in every effort to properly husband the revenues of the State. My relations with the several Departments have been of a pleasant character, and I sever them with some regret.

I have the honor to be,

With great respect,

Your obedient servant

WM.

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**ANDREW GREGG  
CURTIN,  
Governor of the Common-  
wealth.  
1861-1867.**



oint. He was not unmindful of his condition and became prominent in the local community as an influential member of the Bellefonte Fire Association. He was chosen captain.

He early found the political arena and the exercise of his forensic talents. In the election of Harrison, campaigned bravely as a member of the electoral college. In 1854, declining to be himself a candidate for re-election to the Governorship, he managed the campaign for his friend, James Pollock, by whom he was appointed Secretary of the Commonwealth. His office then included the supervision of the public school system and he took particular interest in the progress of his work. The office of Comptroller had just been created, and its introduction was regarded with much antagonism by the public. He regarded the local schools as a pecuniary burden, and he endeavored to save the State by squeezing for their benefit. This and his efforts to improve the school system were indefatigable. His efforts, enormously to the advantage of the State, were his wealth. He also proposed a system for the training of teachers for the future, and his suggestions were crystallized in the admirable series of institutions which forms the cap-sheaf of the educational system of the State.

In 1850, he was the nominee of the Whigs for Governor, and despite the pressure of the Democracy in the State, he was elected by a majority of thirty-two thousand votes.







point. He was not unmindful of his duties as a citizen and became prominent in the local militia, and an influential member of the Bellefonte Fencibles, of which he was chosen captain.

He early found the political arena a suitable place for the exercise of his forensic talents, fought for the election of Harrison, campaigned brilliantly for Clay, was a member of the electoral college for Taylor, and a candidate for a similar position for Scott. In 1854, declining to be himself a candidate for the Governorship, he managed the campaign for the election of his friend, James Pollock, by whom he was at once appointed Secretary of the Commonwealth. This office then included the supervision of the common school system and he took particular interest in this phase of his work. The office of County Superintendent had just been created, and its introduction was regarded with much antagonism by those who had regarded the local schools as a pecuniary lemon, to be squeezed for their benefit. This and other features of the school system were indefatigably pushed by Mr. Curtin, enormously to the advantage of the Commonwealth. He also proposed a system of Normal Schools for the training of teachers for the common schools, and his suggestions were crystallized into law, resulting in the admirable series of institutions which now forms the cap-sheaf of the educational system of the State.

In 1850, he was the nominee of the Republican party for Governor, and despite the prestige and strength of Democracy in the State, he was elected by a majority of thirty-two thousand votes. The position in



## Andrew Gregg C

the nation which his magnificent strength gave to the State of Pennsylvania during the trying times of his administrative history. No element contributed more fully to the maintenance of the consistent and disinterested devotion of Pennsylvania. Nothing personal strain was too great for of the soldier from his State. His and generous spirit is due the soldiers' orphans, than which he provided more liberally. Worn by him by the long physical and which he had been subjected, at the end of the second term to which he was elected in 1863, was devoted to the amelioration of the poor, although he never laid down the office until the constitutional termination in 1867.

From 1869 to 1872 he was United States Minister to Russia, returning to America in 1872 to attend the Constitutional Convention of 1870 as a conspicuous figure. From 1872 to 1874 he represented his district in Congress. On October 15, 1894, he died at his home in Harrisburg. His term as Governor comprised the period from January 15, 1861 to January 15, 1867.



public sentiment; and his recommendation of the Farmers' High School of Pennsylvania met with the most cordial approbation. Invited to travel through the lands of the west, where the labor of the farmer is simple and uniform, when population is sparse and valleys, it passes away from our highlands, where scientific culture is required to reward the farmer for his ingenuity in bringing forth fruitfulness and plenty out of comparative sterility. While individual liberality has been the support of an institution that is designed to educate the youth of the State, the school languishes for aid. An experience of ten years has demonstrated that the institution can be maintained only by aid; and it requires no aid from the State for the completion of the buildings in accordance with the original design. A liberal appropriation for this purpose would be honorable to the Legislature, and a recognition of a system of public instruction of the highest importance to the State. The maintenance of our wealth, the growth of our population, the prosperity of our great agricultural interests.

The State having been wisely relieved of the burden of the payment of the public improvements by the administration of the government is greatly indebted to its resources are certain and well understood. The amount of the public debt is definitely a small sum, and a rigid economy in all its various departments is maintained by strict accountability from all public officers. Now that the debt of the State is in the process of steady liquidation, by the ordinary means of the treasury, all unnecessary expenditures of the State must be firmly resisted, so that the gradual reduction of the indebtedness shall not be interrupted.

To promote the prosperity of the people of the Commonwealth, by increasing the public resources, by a liberal recognition



















## Andrew Gregg Curtin.

prosperity are everywhere diffused among us, nothing is wanting, but a return of confidence in us to reap the rich rewards of our industry and enterprise. Should the restitutions in business and commercial circles be delayed, the Legislature, in its wisdom, will meet the necessities of the crisis in a patriotic spirit.

Thus far our system of government has met the expectations of its founders, and demonstrated the capacity of the people for self-government. The country has advanced in wealth, knowledge, power, and secured to all classes of its people the blessings of peace, prosperity and happy workings of our simple and natural political institutions have given direction and energy to our individual and associated enterprise, maintained and promoted the welfare of all parts of our expanding country. No one who knows the history of Pennsylvania, and understands the feelings of her people, can justly charge any fault or liability to our brethren of other States. We regard them as friends and fellow countrymen, in whose welfare we feel a kindred interest; and we extend to them their broadest extent, all our constitutional rights and liberties. These we are ready and willing to serve generously and fraternally in the spirit, with unswerving fidelity.

The election of a President of the United States according to the forms of the Constitution has recently been made a pretext for disturbing the peace of the country by a deliberate attempt to subvert the Federal Government the powers which were conferred on it when they adopted the Constitution. By this movement, the question whether the Government of the United States embodies the rights and powers of sovereignty, or mere







rights of all who live under its authority and enjoy its blessings.

I have already taken occasion to say publicly, and I now repeat, that if we have any laws upon our statute books which infringe upon the rights of the people of any of the States, or contravene any law of the Federal Government, or obstruction, they ought to be repealed. We ought not to hesitate to exhibit to other States that may have enacted laws interfering with the rights, or obstructive of the remedies which belong constitutionally to all American citizens, an example of magnanimity and of implicit obedience to the paramount law, and by a prompt repeal of every statute that may even, by implication, be liable to reasonable objection, do our part to remove every just cause of dissatisfaction with our legislation.

Pennsylvania has never faltered in her recognition of all the duties imposed upon her by the National Compact, and she will, by every act consistent with her devotion to the interests of her own people, promote fraternity and peace, and a liberal comity between the States. Her convictions on the vital questions which have agitated the public mind are well understood at home, and should not be misunderstood abroad. Her verdicts have been as uniform as they have been decisive, in favor of the dignity, the prosperity and the progress of her free industry, and support of the principles of liberty on which the government is founded, and menace or rebellion cannot reverse them. They have passed into history as the deliberate judgment of her people, expressed in a peaceful, fraternal and constitutional manner; and when they shall have been administered in the government, as soon they will be, the madness that now rules the hour will subside, as their patriotic, faithful and national aims bring ample protection and peaceful progress to all sections of the Republic.







## Andrew Gregg Curtin

which favored adverse interests, they  
for the return of another opportunity  
public will in a constitutional manner  
election of President of the United States  
of protection was one of the prominent  
the proceedings of Congress at its late  
in their memories, a large majority of  
Pennsylvania enrolled themselves in a  
which, in its declaration of principles  
successful, to be faithful to their soil  
and languishing industry. Protection  
one of the great principles of its platform  
scribed on its banners; it was advocated  
journals; and throughout the canvass  
text of the orators of the successful party.

This is a propitious movement to defend  
the people of Pennsylvania were no  
other vital issues of the canvass, they  
justice for themselves in the recent election  
no design to interfere with or abridge the  
people of other States. The growth of  
been retarded by the abrogation of  
protection from the revenue laws of the  
ernment; bankruptcy had crushed the  
of our most enterprising citizens; but  
disloyalty or treason was heard, nor was  
to offer violence to the sacred fabric  
Union. Conscious of their rights and  
people looked to the ballot-box alone as  
edy for existing evils.

In the present unhappy condition of  
will be our duty to unite with the people  
which remain loyal to the Union, in a  
orable measures of conciliation and fraternal  
Let us invite them to join us in the fulfillment  
obligations under the Federal Constitution.  
Then we can cordially unite with them



Invoking the blessing of the God upon our State and Nation, it shall be the object of my ambition to contribute to the prosperity of the Commonwealth, maintain the civil liberties of the people, and promote the peace and happiness of the country.

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To the Speaker of the Senate Giving  
Appointment of Eli Slifer to be  
Secretary of the Commonwealth.

Executive

Harrisburg, J

To the Hon. Robert M. Palmer,  
Speaker of the

Sir:

**B**E PLEASED TO INFORM THAT  
I have this day appointed and  
Eli Slifer to be Secretary of the  
Commonwealth agreeably to the eighth section of  
the Constitution.

I have the honor to be,

Your obedient servant

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To the Assembly Transmitting Resolutions  
of the Assembly of New York Sustaining the  
Administration of President Lincoln.

Executive

Harrisburg, J

Gentlemen:—

**I** HEREWITH TRANSMIT TO  
you a copy of the "concurrent  
resolution authorizing aid to the President of  
the United States in support of the Constitution and







Invoking the blessing of the God of our fathers upon our State and Nation, it shall be the highest object of my ambition to contribute to the glory of the Commonwealth, maintain the civil and religious privileges of the people, and promote the union, prosperity and happiness of the country.

A. G. CURTIN.

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To the Speaker of the Senate Giving Notice of the Appointment of Eli Slifer to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 16, 1861.

To the Hon. Robert M. Palmer,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE THAT I have this day appointed and commissioned Eli Slifer to be Secretary of the Commonwealth, agreeably to the eighth section of the second article of the Constitution.

I have the honor to be, sir,

Your obedient servant,

A. G. CURTIN.

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To the Assembly Transmitting Resolutions of the Assembly of New York Sustaining the Policy of President Lincoln.

Executive Chamber,  
Harrisburg, January 21, 1861.

Gentlemen:—

**I** HEREWITH TRANSMIT TO THE LEGISLATURE a copy of the "concurrent resolutions tendering aid to the President of the United States in support of the Constitution and the Union," for-



Andrew Gregg Curtin.

warded to me by His Excellency, Edwin D. Morgan,  
Governor of the State of New York.

A. G. CURTIN

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**Concurrent Resolutions Tendering Aid to the President  
of the United States in Support of the Constitution  
and the Union.**

State of New York

In Assembly, January 1862.

Whereas, Treason, as defined by the Constitution of the United States, exists in one or more of the States of the Union in open rebellion and federacy;

And whereas, The insurgent State of South Carolina, by seizing the postoffice, custom house, moneys and forts of the Federal Government, has, by firing into a vessel of the Government to convey troops and provisions, and by the Government to convey troops and provisions, virtually declared war:

And whereas, The forts and property of the United States Government, in Georgia, Alabama and Louisiana, have been unlawfully seized, with hostile intentions:

And whereas further, Senators in Congress avow and maintain their treasonable acts; therefore,

Resolved, (If the Senate concur), That the Legislature of New York, profoundly impressed with the value of the Union and determined to preserve it unimpaired, hall with recent firm, dignified and patriotic special message of condolence to the President of the United States, and that we tender to him, the Chief Magistrate of our own State, whatever aid and money, he may require, to enable him to enforce and uphold the authority of the Federal Government, and that in defence of "the more perfect Union," which has conferred prosperity and happiness upon the American people, we renew the pledge given and redeemed by our fathers, and are ready to devote "our fortunes, our lives, and our sacred honor in upholding the Union and the Constitution.

Resolved, (If the Senate concur), That the United States Representatives and citizens of Delaware, Maryland, North Carolina, Kentucky, Missouri and Tennessee, who with devoted courage and patriotism to withhold themselves from the vortex of secession, are entitled to the grateful admiration of the whole people.



Resolved, (If the Senate concur), That the Governor be respectfully requested to forward, forthwith, copies of the foregoing resolutions to the President of the Nation and the Governors of all the States of the Union.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 28, 1861.

Senators:—

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Miles Green, Esq., of the county of Huntingdon, and Andrew J. Jones, Esq., and George Dock, M. D., of the county of Dauphin, to be trustees of the Pennsylvania State Lunatic hospital, for three years from the seventh day of February next.

A. G. CURTIN.

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To the Assembly Transmitting Resolutions of the Assembly of Virginia with Regard to the Impending War of the Rebellion.

Executive Chamber,  
Harrisburg, January 28, 1861.

Gentlemen:—

I HEREWITH TRANSMIT TO THE LEGISLATURE a copy of the "Preamble and resolutions adopted by the General Assembly of Virginia, January 19, 1861," forwarded to me by His Excellency, John Letcher, Governor of the State of Virginia.

A. G. CURTIN



Preamble and Resolutions Adopted by the General Assembly of Virginia, January 19, 1861.

Whereas, It is the deliberate opinion of the General Assembly of Virginia, that unless the unhappy controversy, which now divides the States of this Confederacy, shall be satisfactorily adjusted, a permanent dissolution of the Union is inevitable; and the General Assembly, representing the wishes of the people of the Commonwealth, is desirous of employing every reasonable means to avert so dire a calamity, and determined to make a final effort to restore the Union, and the Constitution, in the spirit in which they were established by the fathers of the Republic; therefore,

Resolved, That on behalf of the Commonwealth of Virginia, an invitation is hereby extended to all such States, whether slaveholding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed and consistently with its principles, so as to afford to the people of the slaveholding States adequate guaranties for the security of their rights, to appoint commissioners to meet, on the 4th day of February next, in the city of Washington, similar commissioners appointed by Virginia, to consider, and, if practicable, agree upon some suitable adjustment.

Resolved, That Ex-president John Tyler, William C. Rives, Judge John B. Brockenbrough, George W. Sumners and James A. Seddon are hereby appointed commissioners, whose duty it shall be to repair to the city of Washington, on the day designated in the foregoing resolution, to meet such commissioners as may be appointed by any of the said States, in accordance with the foregoing resolution.

Resolved, That if said commissioners, after full and free conference, shall agree upon any plan of adjustment requiring amendments of the Federal Constitution, for the further security of the rights of the people of the slaveholding States, they be requested to communicate the proposed amendments to Congress, for the purpose of having the same submitted by that body, according to the forms of the Constitution, to the several States for ratification.

Resolved, That if said commissioners cannot agree on such adjustment, or, if agreeing, Congress shall refuse to submit, for ratification, such amendments as may be proposed, then the commissioners of this State shall immediately communicate the result to the Executive of this Commonwealth, to be



by him laid before the convention of the people of Virginia and the General Assembly: Provided. That the said commissioners be subject, at all times, to the control of the General Assembly, or if in session, to that of the State Convention.

Resolved, That in the opinion of the General Assembly of Virginia, the propositions embraced in the resolutions presented to the Senate of the United States by the Hon. John J. Crittenden, so modified as that the first article proposed as an amendment to the Constitution of the United States, shall apply to all the territory of the United States now held, or hereafter acquired, south of latitude thirty-six degrees and thirty minutes, and provide that slavery of the African race shall be effectually protected as property therein, during the continuance of the territorial government; and the fourth article shall secure to the owners of slaves the right of transit, with their slaves, between and through the non-slaveholding States and Territories, constitute the basis of such an adjustment of the unhappy controversy which now divides the States of this Confederacy, as would be accepted by the people of this Commonwealth.

Resolved, That Ex-president John Tyler is hereby appointed, by the concurrent vote of each branch of the General Assembly, a commissioner to the President of the United States, and Judge John R. Robertson is hereby appointed, by a like vote, a commissioner to the State of South Carolina, and the other States that have seceded, or shall secede, with instructions, respectfully, to request the President of the United States, and the authorities of such States, to agree to abstain, pending the proceedings contemplated by the action of this General Assembly, from any and all acts calculated to produce a collision of arms between the States and the government of the United States.

Resolved, That copies of the foregoing resolutions be forthwith telegraphed to the Executives of the several States, and also to the President of the United States; and that the Governor be requested to inform, without delay, the commissioners of their appointment by the foregoing resolutions.

A copy from the rolls.

WM. F. GORDON, Jr.,  
C. H. D. and K. R. of Va.



To the Assembly Transmitting Resolutions of the  
Assembly of Tennessee Concerning the Status of  
Slavery.

Executive Chamber,  
Harrisburg, January 28, 1861.

Gentlemen:—

**I** HEREWITH TRANSMIT TO THE LEGISLA-  
ture a copy of the "Resolution proposing amend-  
ments to the Constitution of the United States,"  
passed by the General Assembly of the State of Ten-  
nessee, January 22, 1861, as also of the letter of His  
Excellency, Isham G. Harris, Governor of the said  
State, accompanying the same.

A. G. CURTIN.

Executive Department,  
Nashville, January 23, 1861.

Sir—I have the honor to transmit to your Excellency the  
joint resolutions of the General Assembly of the State of  
Tennessee, to which the early attention of your State is re-  
spectfully invited.

Very respectfully,

ISHAM G. HARRIS.

To His Excellency, the Governor of Pennsylvania.

Resolutions Proposing Amendments to the Constitution of  
the United States.

Resolved by the General Assembly of the State of Tennessee,  
That a convention of delegates from all the slaveholding States  
should assemble at Nashville, Tennessee, or such other place  
as a majority of the States co-operating may designate, on  
the 4th day of February, 1861, to digest and define a basis  
upon which, if possible, the Federal Union and the constitu-  
tional rights of the slave States may be perpetuated and pre-  
served.

Resolved, That the General Assembly of the State of Ten-  
nessee appoint a number of delegates to said convention, of  
our ablest and wisest men, equal to our whole delegation in  
Congress; and that the Governor of Tennessee immediately  
furnish copies of these resolutions to the Governors of the  
slaveholding States, and urge the participation of such States  
in said convention.



Resolved, That in the opinion of this General Assembly, such plan of adjustment shall embrace the following propositions, as amendments to the Constitution of the United States:

1. A declaratory amendment that African slaves, as held under the institutions of the slaveholding States, shall be recognized as property, and entitled to the status of other property in the States where slavery exists, in all places within the exclusive jurisdiction of Congress in the slave States, in all the Territories south of 36 deg. 30 min., in the District of Columbia, in transit and whilst temporarily sojourning with the owner in the non-slaveholding States and Territories north of 36 deg. 30 min., and when fugitives from the owner in the several places above named, as well as in all places in the exclusive jurisdiction of Congress in the non-slaveholding States.

2. That all the territory now owned, or which may be hereafter acquired, by the United States, south of the parallel of 36 deg. 30 min., African slavery shall be recognized as existing, and be protected by all the departments of the Federal and Territorial Governments, and in all north of that line, now owned or to be acquired, it shall not be recognized as existing; and whenever States formed out of any of said territory south of said line, having a population equal to that of a congressional district, shall apply for admission into the Union, the same shall be admitted as slave States, whilst States north of the line formed out of said territory, and having a population equal to a congressional district, shall be admitted without slavery; but the States formed out of said territory, north and south, having been admitted as members of the Union, shall have all the powers over the institution of slavery possessed by the other States of the Union.

3. Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate within the limits of States that permit the holding of slaves.

4. Congress shall have no power to abolish slavery within the District of Columbia as long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation made to such owners of slaves as do not consent to such abolishment. Nor shall Congress at any time prohibit officers of the Federal Government or members of Congress, whose duties require them to be in said District, from bringing with them their slaves, and holding them as such, during the time their duties may require them to remain there, and afterwards take them from the District.



5. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or the territory in which slaves are by law permitted to be held, whether than transportation be by land, navigable rivers or by seas.

. In addition to the fugitive slave clause, provide, that when a slave has been demanded of the Executive authority of the State to which he has fled, if he is not delivered, and the owner permitted to carry him out of the State in peace, the State so failing to deliver, shall pay to the owner the value of such slave, and such damages as he may have sustained in attempting to reclaim his slave, and secure his right of action in the Supreme Court of the United States, with execution against the property of such State and the individuals thereof.

7. No future amendment of the Constitution shall affect the six preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of the Constitution; and no amendments shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is, or may be allowed or permitted.

8. That slave property shall be rendered secure in transit through, or whilst temporarily sojourning in non-slaveholding States or Territories, or in the District of Columbia.

9. An amendment to the effect that all fugitives are to be deemed those offending the laws within the jurisdiction of the State, and who escape therefrom to other States; and that it is the duty of each State to suppress armed invasions of another State.

Resolved, That said Convention of the slaveholding States, having agreed upon a basis of adjustment satisfactory to themselves, should, in the opinion of this General Assembly, refer it to a Convention of all the States, slaveholding and non-slaveholding, in the manner following:

It should invite all States friendly to such plan of adjustment, to elect delegates in such manner to reflect the popular will, to assemble in a Constitutional Convention of all the States, north and south, to be held at Richmond, Virginia, on the \_\_\_\_\_ day of February, 1861, to revise and perfect such plan of adjustment, for its reference for final ratification and adoption by a Convention of the States respectively.

Resolved, That should a plan of adjustment, satisfactory



rs of the Governors.

cceded by a requisite number of States  
to the Constitution of the United States,  
a General Assembly that the slavehold-  
pt for themselves the Constitution of  
such amendments as may be satisfac-  
ing States, and that they should invite  
hem all States of the north which are  
amended Constitution and frame of  
at once all connections with States re-  
guarantees to our future safety; such  
Federal Union being first submitted for  
lons of all the States respectively.  
Governor of the State of Tennessee fur-  
olutions immediately to the Governors  
g States.

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Transmitting Resolutions of Ap-  
licy of President Lincoln by the  
D.

Executive Chamber,  
Harrisburg, January 28, 1861.

TRANSMIT TO THE LEGISLA-  
the "Joint resolutions of the Gen-  
of the State of Ohio, passed Jan-  
warded to me by His Excellency,  
Governor of the said State of Ohio.  
A. G. CURTIN.

he General Assembly of the State of  
assed January 12, 1861.

eral Assembly of the State of Ohio, as  
eople of Ohio, believing that the preser-  
government that constitutes the Ameri-  
s essential to the support of their tran-  
r peace abroad, of their safety, of their  
t very liberty which they so highly  
rdently attached to the National Con-  
of States.



2. That the General Government cannot permit the secession of any State without violating the obligations by which it is bound, under the compact, to the other States and to every citizen of the United States.

3. That whilst the constitutional rights of every State in the Union should be preserved inviolate, the powers and authority of the National Government must be maintained, and the laws of Congress faithfully enforced, in every State and Territory, until repealed by Congress or adjudged to be unconstitutional by the proper judicial tribunal; and all attempts by State authorities to nullify the Constitution of the United States or the laws of the Federal Government, or to resist the execution thereof, are revolutionary in their character, and tend to the disruption of the best and wisest system of government in the world.

4. That the people of Ohio are inflexibly opposed to intermeddling with the internal affairs and domestic relations of the other States of the Union, in the same manner and to the same extent as they are opposed to any interference by the people of other States with their domestic concerns.

5. That it is the will and purpose of the people of Ohio to fulfil, in good faith, all their obligations under the Constitution of the United States, according to the spirit and intent thereof; and they demand the faithful discharge of the same duty by every State in the Union, and thus, as far as may be, to insure tranquility between the State of Ohio and the other States.

6. That it is incumbent upon any States having enactments on their statute books conflicting with, or rendering less efficient the Constitution or laws of the United States, to repeal them; and it is equally incumbent upon the General Government and the several States, to secure to every citizen of the Union his rights in every State, under that provisions of the Constitution which guaranties to the citizens of each State all the privileges and immunities of the citizens of the several States, and thus inspire and restore confidence and a spirit of fraternal feeling between the different States of the Union.

7. That the Union-loving citizens of those States who have labored, and still labor with devotional courage and patriotism, to withhold their States from the vortex of secession, are entitled to the admiration and gratitude of the whole American people.

8. That we hail with joy the recent firm, dignified and patriotic special message of the President of the United States.



## Papers of the Governor

ain, in every possible way, the  
: General Government, I recom  
action be taken by the Legislatu  
matter of the communication.

A

ER FROM THE SECRETARY OF T  
Treasur  
Washington  
excellency, Andrew G. Curtin, Govern  
Pennsylvania:

-In a letter to the Chairman of the C  
ans of the House of Representatives,  
ested that the deposits of money with  
J Government, under the act of Co  
e, 1836, might be made instrumental  
ible credit, by pledging them as se  
nt of a loan by the United States. S  
ary in a few days, and the State of P  
facilitate the object by agreeing to  
ited States to the amount she has re  
th to repay.

he loan must be advertised in a few  
. indispensable. I take the liberty o  
and resolution giving the requisite au  
nancial officer of your State. A sin  
ion have been introduced into the I  
and I am assured will be speedily  
he Secretary of the Treasury is des  
e 23, 1836, as the agent of the Fede  
or the repayment of the moneys d  
when directed by Congress, I have  
to address this communication in re  
dit of your State in sustaining that o  
at in the manner suggested.

I am, very respectfull

Your obedient s

J

Secretary



## Andrew Gregg Curtin.

And whereas, A reform in regard to these irregularities is demanded by the highest interest and commerce; therefore,

Resolved, That our Senators and Representatives be requested to use their influence to consider the proposed subject, and establish a uniform system of weights, measures and currency standards or units of each measure, with their multiples, in the most concise and simple manner, and the more effectually to promote this desirable object, a national commission, be recommended, for producing an uniform system of meteorology for the commercial world:

And whereas, Any great reform of this kind can be fully completed only by the aid of scientific men;

And whereas, It is necessary for the end aforesaid, to requisition the greatest ability and ingenuity in the nation; therefore,

Resolved, That Congress be recommended to offer a premium to any citizen of the United States, who shall propose the best system of decimal weights, measures and currency, the question of merit to be decided by the President, to which the whole subject shall be entrusted.

Resolved, That the Secretary of State be directed to forward printed copies of these resolves to our Senators and Representatives in Congress.

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To the Assembly Transmitting a Proposition for the Secretary of the Treasury Concerning Assistance to the General Government of the States.

Executive  
Harrisburg, February 1862

Gentlemen:—

I HEREWITH TRANSMIT TO YOU a communication which has just been received from the Secretary of the Treasury of the United States. The subject is fully explained in the accompanying paper. As I believe it to be the duty of the se-



To the Assembly Concerning the Resignation by the  
Hon. Simon Cameron of His Seat in the Senate  
of the United States.

Executive Chamber,  
Harrisburg, March 12, 1861.

Gentlemen:—

**T**HE HON. SIMON CAMERON HAVING AC-  
cepted the office of Secretary of War in the Gov-  
ernment of the United States, has forwarded to  
me his resignation as one of the Senators of Pennsyl-  
vania in the Senate of the United States, a copy of  
which I have the honor herewith to transmit to the  
Legislature, in order that the vacancy may be supplied  
agreeably to law.

A. G. CURTIN.

RESIGNATION OF SENATOR SIMON CAMERON.

Washington, March 11, 1861.

To His Excellency, Andrew G. Curtin, Governor of Pennsyl-  
vania:

Dear Sir—Having accepted the position of Secretary of War,  
tendered to me by the President, I hereby resign my seat in  
the Senate of the United States.

I leave that body with feelings of deep regret, as well be-  
cause it severs my immediate connection with the people of  
my native State, as because it removes me from the cherished  
personal associations of that high and dignified body. But I  
am consoled by the fact that the change in our tariff laws, for  
which I have labored for more than fifteen years, and which  
I trust will add greatly to the benefit of Pennsylvania, was  
accomplished at the close of my Senatorial service.

I beg to say to the Legislature and to the people of Penn-  
sylvania, that in my new position, which a deference to their  
earnest wishes induced me reluctantly to accept, my best ener-  
gies shall be exerted for the benefit of the whole country, of  
which Pennsylvania forms so important a part.

I am, sir,

Very respectfully,

Your ob't servant,

SIMON CAMERON.



To the Assembly Vetoing "An Act to Perfect the Division of the Township of Union, in the County of Fayette."

Executive Chamber,  
Harrisburg, March 18, 1861.

Gentlemen:—

**I** RETURN TO THE HOUSE, IN WHICH IT ORIGINATED, with my objections, bill, No. 233, House file, entitled "An act to perfect the division of the township of Union, in the county of Fayette."

By the act of the 15th April, 1834, the power "to divide a township already erected" is fully conferred upon the courts of quarter sessions of the respective counties. Upon application by petition it is, under that act, the duty of the courts to appoint commissioners, who, after making a draft or plot of the township proposed to be divided, are required to make report of the same, upon which the courts were directed to take such order thereupon as to them shall appear just and reasonable.

A supplement to this general law was passed on the 14th March, 1857, which provides that when a report has been made by the commissioners, "favorable to a division," it becomes the further duty of the court to order a vote of the qualified electors of said township to be taken "on the question of a division thereof." Upon due notice being given of the time and place of holding said election, the electors vote by ballot "for division," or "against division;" and if, upon a return of the votes to the clerk of the court of quarter sessions, it shall appear that a majority of the votes so taken are "for a division," the court shall thereupon order and decree the same, agreeably to the lines marked and returned by the commissioners.

The wholesome provisions of these two general laws in both of which due and proper respect is had to the



popular voice of those who are resident within the limits of the township proposed to be divided, as well as the doubtful propriety of special legislation where, within the scope of general laws already upon our statute book, the object sought to be obtained can readily be accomplished, have constrained me to withhold my approval of the bill; and I therefore return it to the House, in which it originated.

A. G. CURTIN.

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To the Assembly Transmitting from the Secretary of State a Copy of a Proposed Thirteenth Amendment to the Constitution of the United States prohibiting Interference with Slavery by Congress.

Executive Chamber,  
Harrisburg, March 20, 1861.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HERE-  
with a copy of resolution of the Thirty-sixth Congress of the United States, at the second session, entitled "Joint resolution to amend the Constitution of the United States," approved March 2, 1861, a certified copy of which I have this day received, with a letter from His Excellency, the President of the United States.

The momentous importance of the subject involved in this resolution, and the possible influence for the restoration of fraternity and concord amongst the States of our time-honored and beloved Federal Union, which may result from your action, will, I rest assured, command for it your earnest and early consideration.

A. G. CURTIN.



United States of America,  
Department of State.

To all to whom these presents shall come, Greeting:

I certify that the paper hereto annexed has been compared with the original roll, and is a true copy of the "Joint resolution to amend the Constitution of the United States," approved March 2, 1861.

Department of State.	}	In testimony whereof, I, Wm. H. Seward, Secretary of the State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be af- fixed.
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Done at the city of Washington, this 13th day of March, A. D. 1861, and of the Independence of the United States of America the eighty-fifth.

WILLIAM H. SEWARD.

PUBLIC 7. RESOLUTION.

Thirty-sixth Congress of the United States, at the second session, begun and held at the city of Washington, in the District of Columbia, on Monday, the third day of December, one thousand eight hundred and sixty.

Joint Resolution to Amend the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

Article 13. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.



To the Assembly Transmitting the Report of the Commissioners of the Commonwealth to a Convention to Reconcile the Differences Between the States in Connection with Slavery and Other Matters.

Executive Chamber,  
Harrisburg, March 21, 1861.

Gentlemen:—

**I HAVE THE HONOR TO TRANSMIT TO YOU,** herewith, a copy of the report of the Commissioners appointed by me, under the resolution of the General Assembly authorizing such appointment, to meet Commissioners from Virginia and other States.

I feel it my duty in this connection, to call the attention of the Legislature to some of the provisions of the joint resolutions for the payment of the recently appointed Commissioners to Washington, of the 2d day of March, 1861. It is therein provided that the State Treasurer shall “pay such portion of other expenses of said Convention as shall be just and equal among the States represented, the amount whereof shall be certified by the said Commissioners.”

If the Commissioners were together, it would be difficult for them to certify, definitely, as to the character and amount of these expenses; but they have separated, and it would, therefore, be almost impossible to obtain such certificate. The gentlemen of this commission were charged with a high trust; they have discharged it with an ability and fidelity which have well maintained the honor and dignity of the State. The expenses were necessarily large, and it is proper that their prompt payment should be provided for, and in a manner that will neither embarrass nor annoy the members of the commission.

A. G. CURTIN.



REPORT OF THE COMMISSIONERS.

To His Excellency, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania:

The undersigned Commissioners, appointed by your Excellency, by virtue of the resolution of the General Assembly of Pennsylvania, to meet Commissioners from Virginia and other States, respectfully beg leave to report:

That in pursuance of the authority conferred upon us, we met in Convention in the city of Washington, on the 4th day of February, 1861, and were joined there by representatives of twenty of our sister States. The Convention continued in session until the 27th ultimo. The subjoined proposed Article of Amendment to the Constitution was passed by sections—each section by the vote annexed thereto.

By resolution of that body, the said article, as adopted, was transmitted to the Senate and House of Representatives of the United States, asking that it be laid by them before the respective Legislatures of the States represented in Convention, with a recommendation that they should provide for action on the same.

All of which is respectfully submitted,

W. M. MEREDITH,  
THOS. E. FRANKLIN,  
D. WILMOT,  
THOS. WHITE,  
JAMES POLLOCK,  
WM. M'KENNAN,  
A. W. LOOMIS.

J. Henry, Puleston, Secretary.

ARTICLE XIII.

Section 1. In all the present Territory of the United States north of the parallel of thirty-six degrees and thirty minutes of north latitude, involuntary servitude, except in the punishment of crime, is prohibited. In all the present Territory south of that line, the status of persons held to involuntary service or labor, as it now exists, shall not be changed; nor shall any law be passed by Congress or the Territorial Legislature to hinder or prevent the taking of such persons from any of the States of this Union to said Territory, nor to impair the rights arising from said relation; but the same shall be subject to judicial cognizance in the Federal courts, according to the course of the common law. When any Territory, north



or south of said line, within such boundary as Congress may prescribe, shall contain a population equal to that required for a member of Congress, it shall, if its form of government be republican, be admitted into the Union, on an equal footing with the original States, with or without involuntary servitude, as the Constitution of such State may provide.

Ayes—Delaware, Illinois, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee—9.

Noes—Connecticut, Iowa, Maine, Massachusetts, North Carolina, New Hampshire, Vermont, Virginia—8.

New York, Indiana and Kansas were divided.

Section 2. No territory shall be acquired by the United States, except by discovery, and for naval and commercial stations depots and transit routes, without the concurrence of a majority of all the Senators from States which allow involuntary servitude, and a majority of all the Senators from States which prohibit that relation; nor shall territory be acquired by treaty, unless the votes of a majority of the Senators from each class of States hereinbefore mentioned be cast as a part of the two-thirds majority, necessary to the ratification of such treaty.

Ayes—Delaware, Indiana, Kentucky, Maryland, Missouri, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia—11.

Noes—Connecticut, Illinois, Iowa, Maine, Massachusetts, North Carolina, New Hampshire, Vermont—8.

New York and Kansas were divided.

Section 3. Neither the Constitution nor any amendment thereof, shall be construed to give Congress power to regulate, abolish or control, within any State, the relation established or recognized by the laws thereof touching persons held to labor or involuntary service in the District of Columbia, without the consent of Maryland, and without the consent of the owners, or making the owners, who do not consent, just compensation; nor the power to interfere with or prohibit Representatives and others from bringing with them to the District of Columbia, retaining and taking away, persons so held to service or labor; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those States and Territories where the same is established or recognized; nor the power to prohibit the removal or transportation of persons held to labor or involuntary service in any State or Territory of the United States to any other State or Territory thereof where



it is established or recognized by law or usage; and the right, during transportation by sea or river, of touching at ports, shores and landings, and of landing, in case of distress, shall exist; but not the right of transit in or through any State or Territory, or of sale or traffic, against the laws thereof; nor shall Congress have power to authorize any higher rate of taxation on persons held to labor or service than on land.

The bringing into the District of Columbia of persons held to labor or service, for sale, or placing them in depots, to be afterwards transferred to other places, for sale as merchandise, is prohibited.

Ayes—Delaware, Illinois, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia—12.

Noes—Connecticut, Indiana, Iowa, Maine, Massachusetts, New Hampshire, Vermont—7.

New York and Kansas were divided.

Section 4. The third paragraph of the second section of the fourth article of the Constitution shall not be construed to prevent any of the States, by appropriate legislation, and through the action of their judicial and ministerial officers, from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

Ayes—Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia—15.

Noes—Iowa, Maine, Massachusetts, New Hampshire—4.

New York and Kansas were divided.

Section 5. The foreign slave trade is hereby forever prohibited; and it shall be the duty of Congress to pass laws to prevent the importation of slaves, coolies, or persons held to service or labor, into the United States and the Territories from places beyond the limits thereof.

Ayes—Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Kansas—16.

Noes—Iowa, Maine, Massachusetts, North Carolina, Virginia—5.

Section 6. The first, third and fifth sections, together with this section of these amendments, and the third paragraph of the second section of the first article of the Constitution, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished, without the consent of all the States.



Ayes—Delaware, Illinois, Kentucky, Maryland, Missouri, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Kansas—11.

Noes—Connecticut, Indiana, Iowa, Maine, Massachusetts, North Carolina, New Hampshire, Vermont, Virginia—9.

New York was divided.

Section 7. Congress shall provide, by law, that the United States shall pay to the owner the full value of his fugitive from labor, in all cases where the marshal, or other officer whose duty it was to arrest such fugitive, was prevented from so doing by violence or intimidation from mobs or riotous assemblages, or when, after arrest, such fugitive was rescued by like violence or intimidation, and the owner thereby deprived of the same; and the acceptance of such payment shall preclude the owner from further claim to such fugitive.

Congress shall provide, by law, for securing to the citizens of each State the privileges and immunities of citizens in the several States.

Ayes—Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New Hampshire, Ohio, Pennsylvania, Rhode Island, Tennessee, Kansas—12.

Noes—Connecticut, Iowa, Maine, Missouri, North Carolina, Vermont, Virginia—7.

New York was divided.

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To the Senate Nominating W. P. I. Painter to be Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, March 22, 1861.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, W. P. I. Painter, of the county of Lycoming, to be Superintendent of Public Printing, for the term of one year, agreeably to the provisions of the act of the 9th day of April, A. D. 1856, entitled "An act in relation to public printing."

A. G. CURTIN.



To the Assembly Vetoing "An Act Incorporating the Pittston Hose Company, Number One, in the Borough of Pittston, in the County of Luzerne, Pennsylvania."

Executive Chamber,  
Harrisburg, March 25, 1861.

Gentlemen:—

**I** RETURN TO THE HOUSE, IN WHICH IT ORIGINATED, the bill, No. 148, entitled "An Act incorporating the Pittston hose company, number one, in the borough of Pittston, in the county of Luzerne, Pennsylvania," with my objections.

The act of the 6th April, 1791, by its supplement of 8th April, 1833, makes general provision for the incorporation of fire engine or hose companies, precisely similar to that which is embraced in the present bill.

Under the general law, the Supreme Court and Attorney General certify as to the lawfulness of the objects, articles and conditions, to be set forth in an instrument of writing, which any number of persons may sign who desire to associate for any literary, charitable, or religious purpose, or to form any beneficial association, or fire engine or hose company.

By another general law of the 13th of October, 1840, similar power is conferred upon the courts of common pleas. These grants of general powers to the courts are carefully guarded, and, were doubtless, maturely considered by the law-making power before enacted, and from observation and experience, I feel fully warranted in saying, that a safer lodgment of the powers enumerated, cannot be made anywhere than in the courts.

While these general laws remain upon the statute book, special legislation upon subjects which fall fully within the scope of their provisions, should not find any encouragement from the law-making power.

A resort to the courts under these general laws



makes the powers and immunities to be enjoyed by corporations, of the class embraced in this bill, as they should be, equal and uniform in all respects, and therefore less liable to come in any way in conflict with the public interests.

Legislation conferring special privileges is always objectionable, and more especially so, when general laws are in existence under which all may be equally favored.

In all cases where jurisdiction of the subject matter has been given to the courts by general laws, I shall feel greatly inclined to leave the exercise of the powers conferred, to their exclusive control, unless some special necessity should arise for an exception, which does not appear to exist in the present instance.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Reduce the Enrollment Tax on Fire Engine, Hose and Hook and Ladder Companies."

Executive Chamber,  
Harrisburg, April 2, 1861.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT originated, bill, No. 501, entitled "An act to reduce the enrollment tax on fire engine, hose and hook and ladder companies," with my objections to the same.

By the act of the 5th of April, 1833, the Supreme Court is clothed with the power of incorporating fire engine and hose companies, and by the act of the 13th of October, 1840, the same power is extended to the courts of common pleas. By the act of the 7th of March, 1848, and its supplements, passed at various



times since, the power of the courts over this class of corporations has been enlarged, until there would seem to be no necessity for any special action of the Legislature in their creation. This act reduces the enrolment tax imposed by the Legislature on such grants of power, from fifty to ten dollars. Where the courts have power, special legislation is always objectionable, and I have been forced to return several bills, during this session of the Legislature, without my approbation, on that ground alone.

When grants of corporate privileges are asked from the Legislature, where the courts have power, as they have in the class of corporations contemplated by this bill, it would be so manifestly unjust, as a question of revenue to the Commonwealth, to reduce the tax imposed by existing laws, that I cannot approve this bill.

I need only call the attention of the Legislature to the character of this bill, and to the laws on our statute book relating to this subject, to satisfy you that it was passed hastily and without due consideration.

A. G. CURTIN.

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To the Assembly Concerning the Military Organization of the State.

Executive Chamber,  
Harrisburg, April 9, 1861.

Gentlemen:—

**A**S THE PERIOD FIXED FOR THE ADJOURN-  
men of the Legislature is rapidly approaching,  
I feel constrained, by a sense of duty, to call  
your attention to the condition of the military organi-  
zation of the State.



It is scarcely necessary to say more, than that the militia system of the State, during a long period distinguished by the pursuits of peaceful industry exclusively, has become wholly inefficient, and the interference of the Legislature is required, to remove its defects and to render it useful and available to the public service.

Many of our volunteer companies do not possess the number of men required by our militia law, and steps should be forthwith taken to supply these deficiencies. There are numerous companies, too, that are without the necessary arms; and of the arms that are distributed, but few are provided with more modern appliances to render them serviceable.

I recommend, therefore, that the Legislature make immediate provision for the removal of these capital defects; that arms be procured and distributed to those of our citizens who may enter into the military service of the State; and that steps be taken to change the guns already distributed, by the adoption of such well known and tried improvements as will render them effective in the event of their employment in actual service.

In this connection, I recommend the establishment of a Military Bureau at the capital, and that the militia laws of the Commonwealth be so modified and amended as to impart to the military organizations of the State the vitality and energy essential to its practical value and usefulness.

Precautions, such as I have suggested, are wise and proper at all times in a government like ours; but special and momentous considerations, arising from the condition of public affairs outside of the limits, yet of incalculable consequence to the people, and demanding the gravest attention of the Legislature of Pennsylvania, invest the subject, to which your attention is invited by this communication, with extraordi-



nary interest and importance. We can not be insensible to the fact that serious jealousies and divisions distract the public mind, and that in portions of this Union the peace of the country, if not the safety of the government itself, is endangered.

Military organizations of a formidable character, and which seem not to be demanded by any existing public exigency, have been formed in certain of the States.

On whatever pretexts these extraordinary military preparations may have been made, no purpose that may contemplate resistance to the enforcement of the law, will meet sympathy or encouragement from the people of this Commonwealth. Pennsylvania yields to no State in her respect for, and her willingness to protect, by all needful guarantees, the constitutional rights and constitutional independence of her sister States; nor in fidelity to that constitutional Union, whose unexampled benefits have been showered alike upon herself and them.

The most exalted public policy, and the dearest obligations of true patriotism, therefore, admonish us, in the existing deplorable and dangerous crisis of affairs, that our militia system should receive from the Legislature that prompt attention, which public exigencies, either of the State or the nation, may appear to demand, and which may seem in your wisdom, best adapted to preserve and secure to the people of Pennsylvania, and the Union, the blessings of peace, and the integrity and stability of our unrivalled constitutional government.

The government of this great State was established by its illustrious founder, "in deeds of peace;" our people have been trained and disciplined in those arts which lead to the promotion of their own moral and physical development and progress; and with the highest regard for the rights of others, have always cul-



tivated fraternal relations with the people of all the States.

Devoted to the Constitution and the Union, and always recognizing the spirit of concession and compromise, that underlies the foundation of the government, Pennsylvania offers no counsel, and takes no action in the nature of a menace; her desire is for peace, and her object, the preservation of the personal and political rights of citizens, of the true sovereignty of States, and the supremacy of law and order.

Animated by these sentiments, and indulging an earnest hope of the speedy restoration of those harmonious and friendly relations, between the various members of this confederacy, which have brought our beloved country to a condition of unequalled power and prosperity, I commit the grave subject of this communication to your deliberation.

A. G. CURTIN.

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To the Assembly Vetoing "An Act for the Relief of  
John Mong, of Somerset County."

Executive Chamber,  
Harrisburg, April 9, 1861.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN  
which it originated, with my objections, bill, No.  
150, entitled "An Act for the relief of John Mong,  
of Somerset county."

The preamble of this bill recites that John Mong, of Somerset county, on the eleventh day of September, A. D. 1854, obtained a warrant for three hundred acres of land, in said county, for which he paid into the State Treasury the sum of eighty-four dollars and



fifty cents; and, further, that he was misled by information from the Land office, and thereby induced to make the expenditure of money upon such false or mistaken information.

A misrepresentation, whether wilful, or otherwise, upon the part of the government official, whereby a person was induced to part with his money for that which proved wholly valueless, might furnish an exception to the well established rule, which closes the doors of the Treasury against all applications to refund money voluntarily paid upon land warrants, and for patents in conformation of title. The case provided for in this bill is not one of the class referred to, and, indeed, it seldom, if ever, happens that any such case is to be found. The applicant makes the ordinary oath before a justice of the peace, that the land applied for was unimproved and unoccupied, and accompanying it by the oath of a disinterested person that such was really the case; and, further, that no office right had issued for such land in the name of said applicant, or of any person or persons under whom he claimed.

By a general law the Secretary of the Land office is authorized to give warrants for any vacant and unappropriated lands, either improved or unimproved. The party applying is required to prove by some one, other than himself, whether the land is improved or unimproved, and if the latter, when such improvement was commenced, so that the land may be charged with interest accordingly.

The information upon which the title is founded comes from the applicant, and not the Commonwealth, and the deception, if any practiced, is by the former and not the latter.

It not unfrequently happens that double office rights are issued for the same land, occasioning conflicts of titles, which if not settled before the Board of Prop-











Proclamation Convoking the Assembly to Take Action in Connection with the Appearance of the Rebellion.

Pennsylvania, ss.

(Signed) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

A PROCLAMATION.

Whereas an armed rebellion exists in a portion of the states of this Union, threatening the destruction of the National Government, periling public and private property, endangering the peace and security of this Commonwealth and inviting systematic piracy upon our commerce, and,

Whereas, adequate provision does not exist by law to enable the Executive to make the Military powers of the State as available and efficient as it should be for the common defence of the State and the General Government, and

Whereas, an occasion so extraordinary requires a prompt exercise of the Legislative power of the State, Therefore,

I, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania by virtue of the powers vested in me by the Constitution do hereby convene the General Assembly of this Commonwealth and require the Members of the Senate and House of Representatives to meet in their respective Houses in the Capitol at Harrisburg on Tuesday the thirtieth day of April, A. D. one thousand eight hundred and sixty one, at Twelve of clock noon of that day then and there to take into



consideration and adopt such measures in the premises as the present exigency may seem to them in their wisdom to demand.

In testimony whereof I have hereunto set my Hand and caused the Great Seal of the Commonwealth to be affixed at Harrisburg this twentieth day of April in the Year of our Lord one thousand eight hundred and sixty-one and of the Independence of the United States the eighty-sixth.

By the Governor,

Eli Slifer,

Secretary of the Commonwealth.

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To the Assembly Concerning the Rebellion of the Southern States.

Executive Chamber,  
Harrisburg, April 30, 1861.

Gentlemen:—

**T**HE PRESENT UNPARALLELED EXIGENCY in the affairs of our country, has induced me to call you together at this time. With an actual and armed rebellion in some of the States of the Union, momentous questions have been thrust upon us which call for your deliberation, and that you should devise means by legislation for the maintenance of the authority of the General Government, the honor and dignity of our State, the protection of our citizens, and the early establishment of peace and order throughout the land.

On the day of my induction into the Executive office, I took occasion to utter the following sentiments:

“No one who knows the history of Pennsylvania, and understands the opinions and feelings of her peo-



ple, can justly charge us with hostility to our brethren of other States. We regard them as friends and fellow-countrymen, in whose welfare we feel a kindred interest; and we recognize, in their broadest extent, all our constitutional obligations to them. These we are ready and willing to observe, generously and fraternally in their letter and spirit, with unswerving fidelity.

“Ours is a National Government. It has within the sphere of its action all the attributes of sovereignty, and among these are the right and duty of self preservation. It is based upon a compact to which all the people of the United States are parties. It is the result of mutual concessions, which were made for the purpose of securing reciprocal benefits. It acts directly on the people, and they owe it a personal allegiance. No part of the people, no State nor combination of States, can voluntarily secede from the Union, nor absolve themselves from their obligations to it. To permit a State to withdraw at pleasure from the Union, without the consent of the rest, is to confess that our Government is a failure. Pennsylvania can never acquiesce in such a conspiracy, nor assent to a doctrine which involves the destruction of the Government. If the Government is to exist, all the requirements of the Constitution must be obeyed; and it must have power adequate to the enforcement of the supreme law of the land in every State. It is the first duty of the national authorities to stay the progress of anarchy and enforce the laws, and Pennsylvania, with a united People, will give them an honest, faithful and active support. The people mean to preserve the integrity of the national Union, at every hazard.”

It could scarcely have been anticipated at that time, that we should so soon be called upon for the practical application of these truths in connection with their



support and defence by the strong arm of military power.

The unexampled promptness and enthusiasm with which Pennsylvania and the other loyal States have responded to the call of the President, and the entire unanimity with which our people demand that the integrity of the Government shall be preserved, illustrate the duty of the Several State and National Governments with a distinctness that cannot be disregarded. The slaughter of Northern troops in the city of Baltimore, for the pretended offence of marching, at the call of the Federal Government, peaceably, over soil admittedly in the Union, and with the ultimate object of defending our common Capital against an armed and rebellious invasion, together with the obstruction of our Pennsylvania troops when dispatched on the same patriotic mission, imposes new duties and responsibilities upon our State administration. At last advices the General Government had military possession of the route to Washington through Annapolis; but the transit of troops had been greatly endangered and delayed, and the safety of Washington itself imminently threatened. This cannot be submitted to. Whether Maryland may profess to be loyal to the Union or otherwise, there can be permitted no hostile soil, no obstructed thoroughfare, between the States that undoubtedly are loyal and their National seat of government. There is reason to hope that the route through Baltimore may be no longer closed against the peaceable passage of our people armed and in the service of the Federal Government. But we must be fully assured of this, and have the uninterrupted enjoyment of a passage to the Capital by any and every route essential to the purposes of the Government. This must be attained, peaceably if possible, but by force of arms if not accorded.

The time is past for temporizing or forbearing with



this rebellion; the most causeless in history. The North has not invaded, nor has she sought to invade a single guaranteed right of the South. On the contrary, all political parties, and all administrations, have fully recognized the binding force of every provision of the great compact between the States, and regardless of our views of State policy, our people have respected them. To predicate a rebellion, therefore, upon any alleged wrong, inflicted or sought to be inflicted upon the South, is to offer falsehood as an apology for treason. So will the civilized world and history judge this mad effort to overthrow the most beneficent structure of human government ever devised by man.

The leaders of the rebellion in the Cotton States, which has resulted in the establishment of a provisional organization, assuming to discharge all the functions of governmental power, have mistaken the forbearance of the General Government; they have accepted a fraternal indulgence as an evidence of weakness, and have insanely looked to a united South, and a divided North to give success to the wild ambition that has led to the seizure of our national arsenal and arms, the investment and bombardment of our forts, the plundering of our mints, has invited piracy upon our commerce, and now aims at the possession of the National Capital. The insurrection must now be met by force of arms; and to re-establish the Government upon an enduring basis, by asserting its entire supremacy, to re-possess the forts and other Government property so unlawfully seized and held; to ensure personal freedom and safety to the people and commerce of the Union in every section, the people of the loyal States demand, as with one voice, and will contend for, as with one heart; and a quarter of a million of Pennsylvania's sons will answer the call to arms, if need be, to wrest us from a reign of anarchy and plunder,



and secure for themselves and their children, for ages to come, the perpetuity of this Government and its beneficent institutions.

Entertaining these views, and anticipating that more troops would be required than the number originally called for, I continued to receive companies until we had raised twenty-three regiments in Pennsylvania, all of which have been mustered into the service of the United States. In this anticipation I was not mistaken. On Saturday last an additional requisition was made upon me for twenty-five regiments of infantry and one regiment of cavalry; and there have been already more companies tendered than will make up the entire complement.

Before the regiments could be clothed, three of them were ordered by the National Government to proceed from this point to Philadelphia. I cannot too highly commend the patriotism and devotion of the men who, at a moment's warning, and without any preparation, obeyed the order. Three of the regiments, under similar circumstances, by direction of, and accompanied by officers of the United States army, were transported to Cockeysville, near Baltimore, at which point they remained for two days, and until by directions of the General Government they were ordered back and went into camp at York, where there are now five regiments. Three regiments mustered into service are now encamped at Chambersburg, under orders from the General Government; and five regiments are now in camp at this place, and seven have been organized and mustered into service at Philadelphia.

The regiments at this place are still supplied by the Commissary Department of the State. Their quarters are as comfortable as could be expected, their supply of provisions abundant, and, under the instruction of competent officers, they are rapidly improving



in military knowledge and skill. I have made arrangements to clothe all our regiments with the utmost dispatch consistent with a proper economy, and am most happy to say that before the close of the present week all our people now under arms will be abundantly supplied with good and appropriate uniforms, blankets and other clothing.

Four hundred and sixty of our volunteers, the first to reach Washington from any of the States, are now at that city; these are now provided for by the General Government; but I design to send them clothing at the earliest possible opportunity. I am glad to be able to state that these men, in their progress to the National Capital, received no bodily injury, although they were subjected to insult in the city of Baltimore, such as should not have been offered to any law-abiding citizen, much less to loyal men, who, at the call of the President, had promptly left their own State in the performance of the highest duty, and in the service of their country.

A large body of unarmed men, who were not at the time organized as a portion of the militia of this Commonwealth, under the command of officers without commissions, attempted under the call of the National Government, as I understand, to reach Washington, and were assaulted by armed men in the city of Baltimore, many of their number were seriously wounded, and four were killed. The larger part of this body returned directly to Philadelphia; but many of them were forcibly detained in Baltimore; some of them were thrust into prison, and others have not yet reached their homes.

I have the honor to say that the officers and men behaved with the utmost gallantry. This body is now organized into a regiment, and the officers are commissioned; they have been accepted into the service, and will go to Washington by any route indicated by the Federal Government.



I have established a camp at Pittsburg, at which the troops from Western Pennsylvania will be mustered into service, and organized and disciplined by skillful and experienced officers.

I communicate to you with great satisfaction, the fact that the banks of the Commonwealth have voluntarily tendered any amount of money that may be necessary for the common defence and general welfare of the State and the nation in this emergency; and the temporary loan of five hundred thousand dollars authorized by the act of the General Assembly of the 17th April, 1861, was promptly taken at par. The money is not yet exhausted; as it has been impossible to have the accounts properly audited and settled with the accounting and paying officers of the Government as required by law, an account of this expenditure can not now be furnished. The Auditor General and State Treasurer have established a system of settlement and payment, of which I entirely approve, that provides amply for the protection of the State, and to which all parties having claims will be obliged to conform.

A much larger sum will be required than has been distinctively appropriated; but I could not receive nor make engagements for money without authority of law, and I have called you together, not only to provide for a complete re-organization of the militia of the State, but also that you may give me authority to pledge the faith of the Commonwealth to borrow such sums of money as you may, in your discretion, deem necessary for these extraordinary requirements.

It is impossible to predict the lengths to which "the madness that rules the hour" in the rebellious States shall lead us, or when the calamities which threaten our hitherto happy country shall terminate. We know that many of our people have already left the State in the service of the General Government, and



that many more must follow. We have a long line of border on States seriously disaffected, which should be protected. To furnish ready support to those who have gone out, and to protect our borders, we should have a well regulated military force.

I, therefore recommend the immediate organization, disciplining and arming of at least fifteen regiments of cavalry and infantry, exclusive of those called into the service of the United States; as we have already ample warning of the necessity of being prepared for any sudden exigency that may arise, I cannot too much impress this upon you.

I cannot refrain from alluding to the generous manner in which the people of all parts of the State have, from their private means, provided for the families of those of our citizens who are now under arms. In many parts of the Commonwealth, grand juries, and courts and municipal corporations have recommended the appropriations of moneys from their public funds, for the same commendable purpose. I would recommend the passage of an act legalizing and authorizing such appropriations and expenditures.

It may be expected that, in the present derangement of trade and commerce, and the withdrawal of so much industry from its ordinary and productive channels, the selling value of property generally will be depreciated, and a large portion of our citizens deprived of the ordinary means of meeting engagements. Although much forbearance may be expected from a generous and magnanimous people, yet I feel it my duty to recommend the passage of a judicious law to prevent the sacrifice of property by forced sales in the collection of debts.

You meet together at this special session, surrounded by circumstances involving the most solemn responsibilities; the recollections of the glories of the past, the reflections of the gloomy present, and



the uncertainty of the future, all alike call upon you to discharge your duty in a spirit of patriotic courage, comprehensive wisdom and firm resolution. Never in the history of our peace-loving Commonwealth have the hearts of our people been so stirred in their depths as at the present moment. And, I feel, that I need hardly say to you, that in the performance of your duties on this occasion, and in providing the ways and means for the maintenance of our country's glory and our integrity as a nation, you should be inspired by feelings of self-sacrifice, kindred to those which animate the brave men who have devoted their lives to the perils of the battle-field, in defence of our nation's flag.

Gentlemen, I place the honor of the State in your hands. And I pray that the Almighty God who protected our fathers in their efforts to establish this our great constitutional liberty—who has controlled the growth of civilization and christianity in our midst, may not now forsake us; that He may watch over your counsels, and may, in His providence, lead those who have left path of duty, and are acting in open rebellion to the Government, back again to perfect loyalty, and restore peace, harmony and fraternity to our distracted country.

A. G. CURTIN.



To the Assembly Concerning Troops for the Support  
of the Union, with Correspondence Relating  
Thereto.

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I**N MY COMMUNICATION TO YOU OF THE 30TH of April, I had the honor to say, that a requisition had been made on me for twenty-five additional regiments and one of cavalry, for the service of the National Government. As that order was countermanded, by a telegraphic despatch, on the evening of the 30th ultimo, and by a written order received this morning from Major General Patterson, I feel it my duty to lay the subject before you, for your consideration.

The first order made upon me by the Federal Government was for sixteen regiments of infantry, which, by a subsequent order, was reduced to fourteen (14.) That order was filled immediately, and I continued to receive companies for the reasons assigned in my message of April 30th, until twenty-three regiments were mustered into the service of the United States. The order from Major General Patterson of the 25th, is as follows:

Headquarters,  
Military Department of Washington,  
Philadelphia, April 25, 1861.

His Excellency, Andrew G. Curtin, Governor of Pennsylvania:

Sir—I feel it my duty to express to you my clear and decided opinion that the force at the disposal of this Department should be increased without delay.

I therefore have to request your Excellency to direct that twenty-five additional regiments of infantry and one of cavalry be called for forthwith, to be mustered into the service of the United States.



Officers will be detailed to inspect and muster the men into service as soon as I am informed of the points of rendezvous which may be designated by your Excellency.

I have the honor to be,

With great respect,

R. PATTERSON,  
Major General.

I commenced, immediately, to raise the additional force, and a large number of companies was accepted from different parts of the State, and from which we had not taken companies to fill the first requisition; many of the companies are here and on their way to this rendezvous and Camp Wilkins, at Pittsburg.

The officer of the United States Army detailed to muster companies into service at Pittsburg, has been withdrawn, and no more companies will be mustered into the service at the different points of rendezvous established by the Government in this State.

The letter from Major General Patterson, rescinding the order for additional regiments, is as follows:

Headquarters,  
Military Department of Pennsylvania,  
Philadelphia, Pa., April 30, 1861.

To His Excellency, A. G. Curtin, Harrisburg, Pennsylvania:

Sir—On the 25th instant I addressed you a communication, expressing my opinion that the force at my disposal was inadequate, and suggested that twenty-six additional regiments be added to the Pennsylvania contingent. Since that date, other States have furnished a number of disciplined troops, well armed, and sufficient for the present requirements of the service at the National Capital; and it will, therefore, be inexpedient to accept the services of more three months volunteers.

The three companies referred to in my communication of the 28th, are required for immediate service, and one troop will be on duty to-morrow.

A call may be made for an additional force of volunteers, to serve for two years or the war; but the authority therefor will be provided in time to cause no delay or inconvenience.

The Government informs me that no more three months



men will be required, plans having been adopted to increase the army in a much more efficient manner. I have, therefore, to request that my suggestion in relation to additional regiments be not taken into consideration. I see that you have recommended to the Legislature to keep a force under State organization in readiness for State defence, and to respond to a call from the General Government. I do not doubt that, at the present time, so prudent a proposition will meet with a ready affirmative response from a co-ordinate branch of the State Government. And in that case any force, above that called for by the Government, and now collected, can be organized and disciplined under State laws. This force will then be in a condition to fill the future wants of the Government, and in the best possible manner.

I am, sir,

Very respectfully,

Your ob't servt't,

R. PATTERSON,

Major General.

For the purpose of a clear understanding of the terms and conditions upon which the Pennsylvania quota of the call of the General Government is admitted into the service, I communicate, with this message, the following answers to interrogatories put by me to the War Department on that subject:

War Department,

Washington, April 29, 1861.

His Excellency, Andrew G. Curtin, Governor of Pennsylvania,  
Harrisburg:

Dear Sir: In answer to the queries propounded by you to this Department, and presented by O. F. Dickey, Esq., I have the honor to reply:

1. That the quota of militia from Pennsylvania cannot be increased at present. But the President has authorized the raising of twenty-five regiments of volunteers, to serve for three years, or during the war. Under this call one or two additional regiments, on the conditions stated, will be accepted from Pennsylvania.

2. The soldiers, as soon as mustered into service, are provided for by the United States.

3. Camp equipage is always supplied by the United States; but being unable to do so as rapidly as needed, would recom-



mend your State to do so, and present the bill for the same. Clothing is sometimes issued to volunteers, but at present we have not the supplies for that purpose; it is, however, being prepared as rapidly as possible. The soldier receives a monthly allowance for clothing, in addition to his pay.

4. This is fully answered above.

5. The law provides pay, as transportation from place of rendezvous to the place of muster.

6. Not knowing the wants of the troops, it is difficult to answer this query. Arms and equipments are furnished by the United States.

Should the troops be in immediate want of clothing or equipments, and the State can furnish them, the U. S. Government will reimburse the expense of doing so, but being out of the regular order of furnishing supplies, this Department could not, of course, direct that it should be done, but would recommend it.

7. The Department has no regular form of voucher for the purpose desired. Any form that shall specify the items in such detail as to enable the matter to be passed upon, would be sufficient.

8. In consequence of the numerous resignations in the army, the Department does not feel at liberty, at present, to detail any officers to the duty indicated.

I hope the foregoing answers will be sufficiently full and satisfactory for your purpose.

I have the honor to be,

Very respectfully, yours, &c.,

SIMON CAMERON,

Secretary of War.

I take this occasion to again repeat my opinion of the necessity for the immediate organization and equipment of at least fifteen regiments, as recommended in my message of 30th April.

Since the change in the order of the National Government, it becomes more necessary for the defence of our border, and the protection of our citizens who may soon leave the State in the service of the Federal Government. As the force directed to the national capital will be very much diminished, it is eminently proper that a portion of our people, fully prepared for



any emergency, should follow their advance, and, if necessity should occur, march to their relief. I am most happy to find that Major General Patterson, in the letter communicated with this message, seems to fully concur in this opinion, and an experience and knowledge of military affairs, with his high command under the Federal Government, render any expression of opinion from such a quarter worthy of the highest consideration.

I submit these facts, which have transpired since my message of the 30th ult., to aid you in your deliberations upon the weighty issues involved.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Vacate Oak Alley, in the Borough of Easton, in the County of Northampton."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 547, entitled "An act to vacate Oak alley, in the borough of Easton, in the county of Northampton," with my objections.

The corporate powers conferred upon boroughs, whether incorporated by the courts or Legislature, are clearly and carefully defined by the act of the 3d of April, 1851. By reference to this law, which has been found to work with admirable convenience, and to have given general satisfaction, the power is given to "survey, lay out, enact and ordain such roads, streets, lanes, courts and common sewers as they may deem necessary;" and again, "to prohibit the erection or construction of any building or work, excavation or other obstruction to the opening, widening, straightening and convenient use thereof;" and again, "to reg-



ulate the roads, streets, lanes, alleys, &c., and have all other needful jurisdiction over the same."

Wherever the Legislature has, by general law, confided to the people the control over that which intimately concerns their comfort and convenience, such law should be duly observed and respected, unless some unyielding necessity appears for overriding its provisions.

The people of the borough of Easton, through their corporate officers, are surely more competent to judge of the propriety and necessity of the opening and closing of streets, lanes and alleys, which are in daily and constant use by them, than the members of the Legislature could possibly be. The location of streets, lanes and alleys is a species of legislation peculiar to the constituted authorities of the borough to be affected, with which the representatives of other counties should have no more to do than with the erection of court houses, jails and other public buildings of the respective counties of the Commonwealth.

It is due to the present Legislature to say that, considering the multiplicity of bills passed by them at the present session, but few have been made the subject of executive objection, and those mainly confined to a class like the present, which, for want of time at the close of the session, cannot be as carefully scrutinized as the importance of the interests to be affected would seem to demand.

Believing, therefore, that the power is lodged where it should be, with the people of the respective boroughs, who, under the act of 1851, are to be duly notified of any contemplated change, I am free to avow my reluctance to sanction legislation which deprives them of a thoroughfare without their knowledge and consent. For these reasons I withhold my approval.

A. G. CURTIN.



To the Assembly Vetoing "An Act Relating to a Certain Alley in the City of Philadelphia."

Executive Chamber,  
Harrisburg, April 30, 1861.

Gentlemen:—

**F**OR THE REASONS SET FORTH IN MY OBJECTIONS to Senate bill, No. 547, I herewith return to the Senate, where it originated, bill No. 813, entitled "An Act relating to a certain alley in the city of Philadelphia," without my signature.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Vacating Part of Strawberry Alley, in the Reserve Tract, Opposite Pittsburg."

Executive Chamber,  
Harrisburg, April 30, 1861.

Gentlemen:—

**F**OR THE REASONS MORE FULLY SET FORTH in my objections to Senate bill No. 547, I herewith return to the Senate, where it originated, bill, No. 517, entitled "An Act vacating part of Strawberry alley, in the reserve tract, opposite Pittsburg," without my signature.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Grade, Curb and Pave Main or Market Street, in the Town of Annville, Lebanon County."

Executive Chamber,  
Harrisburg, April 30, 1861.

Gentlemen:—

**F**OR THE REASONS MORE FULLY SET FORTH in my objections to Senate bill, No. 547, I herewith return to the Senate, where it originated, bill, No. 763, entitled "An Act to grade, curb and pave Main or Market street, in the town of Annville, Lebanon county," without my signature.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Extend Paradise Street, in the Borough of Turbutville, in the County of Northumberland."

Executive Chamber,  
Harrisburg, April 30, 1861.

Gentlemen:—

**F**OR THE REASONS MORE FULLY SET FORTH in my objection to Senate bill, No. 547, I herewith return to the Senate, where it originated, bill, No. 930, entitled "An Act to extend Paradise street, in the borough of Turbutville, in the county of Northumberland," without my signature.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Vacate a Part of French Street, in the Twenty-fourth Ward, in the City of Philadelphia."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**F**OR THE REASONS SET FORTH IN MY OBJECTIONS to Senate bill, No. 547, I herewith return to the Senate, where it originated, bill, No. 861, entitled "An Act to vacate a part of French street, in the Twenty-fourth ward, in the city of Philadelphia," without my signature.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Authorize the Erection of a Free Bridge Over the River Schuylkill, at South Street, in the City of Philadelphia."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, with my objections, Senate bill, No. 449, entitled "An Act to authorize the erection of a free bridge over the river Schuylkill, at South street, in the city of Philadelphia."

By the first section of this bill, should it become a law, the councils of the city of Philadelphia are required to erect, or cause to be erected, a good and substantial bridge over the river Schuylkill, the cost of which is not to exceed two hundred and fifty thousand dollars, to be raised by loan on bonds redeemable in forty years.

There is certainly no legislation of more doubtful expediency than that which constrains the representa-



tives of the people to act against their own and their constituents' convictions. The councils of the city of Philadelphia are regularly elected by the people, and are charged with duties and trusts of a very high and responsible character, and it seems scarcely fair that they should be required by the Legislature to tax their people against their consent for the purpose of constructing a bridge, which seven-tenths of the inhabitants may never either see or use.

Inequality of taxation is always to be deprecated, but more especially so, when it is imposed upon the tax-payers by legislation overriding their expressed wishes and interests. To what extent this may have been done in the present instance, I am unable to say, but in the absence of knowledge to the contrary, it is but fair to presume that a very small portion of the people, proposed to be taxed, are in favor of the measure.

The bill is one of very considerable importance, as well in its bearing upon the interests of those to be affected by taxation, as upon that of another class, whose capital has been invested in bridges upon the same stream, under previous charters of incorporation authorizing the charging and collection of tolls, upon the dividend of which revenue may accrue to the Commonwealth.

Beside, the shortness of the time which I have had to consider the bill, having been received with many others on the sixteenth of the present month, at a time when other and more pressing matters were justly entitled to precedence in their consideration, has rendered it impossible for me to give it that thorough examination which its importance demands.

I return it with these as my objections, without my approval.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Incorporate the Nesquehoning Valley Railroad Company."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I HEREWITH RETURN, WITH MY OBJECTIONS,** bill, No. 955, to the Senate, in which it originated, entitled "An Act to incorporate the Nesquehoning Valley railroad company."

The unlimited power conferred by the third section of this bill, constrains me to withhold my approval.

The act of the 19th February, 1849, regulating the organization of railroad companies, provides that whenever a special act shall be passed authorizing the construction of a railroad, and certain requirements are complied with, letters patent are issued by the Governor conferring the necessary corporate powers. This general law, which is very carefully framed, evidently contemplates that but a single road shall be embraced in any one law, which wise and salutary provision avoids conflicts in locations, and serves to preserve our citizens, who invest their money in such public enterprises, from ruinous and unnecessary competition with their neighbors.

This bill confers authority to construct an unlimited number of branch railways, without in any way designating the points of connection, and to increase the capital stock from half a million to two millions and a half.

The bill authorizes the construction of a road from the Lehigh canal, near the mouth of the Nesquehoning creek, in the county of Carbon, to the head waters of said creek, or thereabout. Beside the uncertainty of location to which this description necessarily gives rise, as well as that which attends the connection of three authorized branch roads, with three other roads.



in the bill specified and named, the most formidable objection grows out of the clause in the latter part of the third section, which authorizes a connection with all other roads "which now are or may be hereafter constructed contiguous to the said 'Nesquehoning Valley railroad' or its branches."

Under this bill, should it become a law, the Nesquehoning Valley railroad company would have power to construct as many branch roads as they might deem proper, without limitation of any kind, provided they were connected with any other road in the vicinity of the main stem of any of its branches.

The exercise of a power so broad and unqualified may result in great and irreparable injury to other roads, exclude other and equally enterprising capitalists from the occupancy of territory which should be common to all in the construction of great public thoroughfares, concentrate in the hands of a single company a monopoly of privileges which ought not to be sanctioned, and in the end be productive of very great injustice and injury to many of our citizens and capitalists who have invested their means in enterprises of a similar character.

For these reasons I withhold my approval of the bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Supplementary to the Several Acts of this Commonwealth for the Sale of Unseated Lands."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

I HEREWITH RETURN, WITH MY OBJECTIONS, to the Senate, in which it originated, bill, No. 728, entitled "An Act supplementary to the several acts of this Commonwealth for the sale of unseated lands."



The bill provides that in case of the sale by a treasurer of a tract of unseated lands, part of which is claimed by some one else by survey, that within two years thereafter said claimant may pay to the treasurer the amount of taxes assessed upon so much of said tract as may be included within the interfering survey; and that the said payment shall operate as a redemption of the land within said lines.

The inconvenience, if not the impracticability of this provision, to say nothing of the innovation which it makes upon the well settled land laws of the State, constrains me to withhold my approval. To determine the pro rata share of taxes upon each interference would increase conflicts of title, now already too numerous; and beside, would allow mere claimants, without, perhaps, a shadow of title to redeem, thereby changing the existing rule, which confines redemption to owners only.

Beside, there does not seem to be any legal necessity for any such enactment. A treasurer's sale of a tract of land upon which there is an interfering survey, cannot, in any manner, affect the title to the interference of the owner thereof who has paid the taxes upon the tract of which the interference is a part. For these reasons, I am constrained to withhold my approval of the bill, and accordingly return it with my objections.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Abolish the Court of Nisi Prius."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 360, entitled "An act to abolish the court of nisi prius," with my objections to its approval.

The bill proposes to abolish the court of "nisi prius," in the city of Philadelphia, and also to withdraw from the Supreme Court all original jurisdiction at law. By the act of the 24th February, 1806, issues in fact, in the Supreme Court, were prohibited from being tried in banc, and were directed to be tried by courts of nisi prius, which were to be fixed by the judges of the former courts; and by the act of the 14th of April, 1834, it was enjoined as a duty upon said judges, to direct the holding of courts of nisi prius whenever occasion should require.

By the act of the 16th of June, 1836, chancery jurisdiction is given to the Supreme Court, so far as relates to the perpetuation of testimony; the obtaining of evidence from places not within the State; the care of the persons and estate of those who are "non compos mentis;" the control, removal and discharge, and appointment of trustees, and the settlement of their accounts; the supervision and control of all corporate and unincorporated societies or associations, and partnerships; the discovery of facts material to a just determination of issues, and other questions arising or depending in said courts; the determination of rights to property or money, claimed by two or more persons, in the hands or possession of a person claiming no right of property therein; the prevention or restraint of the commission or continuance of acts contrary to law, and prejudicial to the interests of the



community or the rights of individuals; the affording specific relief when a recovery in damages would be an inadequate remedy.

And further, by the act of the 13th of June, 1840, the equity jurisdiction of the Supreme Court in said city, was extended to all cases over which courts of chancery entertain jurisdiction, on the ground of fraud, accident, mistake or account. And again, by the act of the 13th of October, 1840, it was extended to the settlement of all partnership accounts, and all such other accounts as, by the common law and usages of this Commonwealth, have heretofore been settled by the action of account render. This extended list of enumerated powers it is not proposed to disturb. In many, if not in most of which, issues of fact, of very serious complication must necessarily arise. It is not to be expected that all these issues can be determined upon bill and answer alone, or by the application solely of equitable jurisdiction. Issues growing out of fraud, rights to money, partnerships, &c., to a very large extent, involve questions of credibility which no master in chancery can determine, and which it is the constitutional right of the parties to have adjudicated through the intervention of a jury.

To abolish the nisi prius, and to leave the Supreme Court clothed with all the above enumerated powers, would, in my judgment, lead to great embarrassment in the administration of justice. Whether the nisi prius of Philadelphia has been confined, in its trial of causes, to the cases only which were brought on the law side of the Supreme Court, I am unable to say, but under the liberal powers given them by the act of 1806, to certify issues in fact to the nisi prius, and in view of the express prohibition to try them in banc, it is reasonable to suppose that issues of fact in pending chancery cases are certified and tried by the former court.



In a city so rapidly growing in population, commerce, manufactures and the mechanic arts, delays in the administration of justice, which are often made the subject of very great complaint, should be carefully avoided, and instead of diminishing the courts, the public interest would seem rather to require and demand that the number should be increased. It is a matter of vast importance to the people of every community, that justice should be administered without delay, and more especially so in a great commercial and manufacturing metropolis like that of Philadelphia, that the already somewhat complicated machinery of business operations, with which all her people are more or less intimately connected, should not in any way be clogged for the want of either legislation or judicial aid in its regulation and control.

To abolish the *nisi prius*, would greatly increase the business of the district court, and for the want of power to try the issues of fact which the Supreme Court have been in the practice of certifying to the *nisi prius*, would, in my judgment, hinder and delay the administration of justice.

The bill was presented to me on the 18th of the present month, since which time I have been so pressed with other public duties, as to prevent me from giving it as thorough an examination as I could have desired, but for the reasons already given, I return it without my approval.

A. G. CURTIN.



To the Assembly Vetoing "A Further Supplement to an Act Relative to the Claim of Thomas Morley."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 176, entitled "A further supplement to an act, approved the 17th day of March, 1858, relative to the claim of Thomas Morley.

The bill constitutes the president judge, and his associates, of Wyoming county, commissioners to examine, adjust and settle the claim of Thomas Morley against the Commonwealth, and clothes them with all the powers which are conferred upon arbitrators by the act of the 16th of June, A. D. 1836, relating to arbitrators. The report of the commissioners is to be made to the Auditor General, and the amount thereof to be paid by the State Treasurer. The bill also provides for paying these commissioners four dollars per day for every day necessarily employed, to be paid by the claimant, unless an award be rendered in his favor.

In addition to the seeming impropriety of constituting the judges of a court arbitrators, there is a still greater objection to their exercise of the powers conferred by the act of 1836.

In case of misbehaviour, corruption or other undue means in the rendition of the award, that act provides for setting it aside, and constitutes the court the tribunal to hear and determine these questions. In this case no such remedy could be had to reach the most palpable misbehaviour or corruption, or both, as the judges are to act in both capacities, as commissioners and judges. If it be said that the bill does not authorize any application for remedy against mis-



behaviour or corruption, and that by the use of the term powers, it was only intended to invest the judges with the power to enforce the production of books, &c., without applying any correction to misbehaviour and corruption, the objection would become the more apparent and formidable. The judges would not set aside their own award, and could not be expected to entertain charges against themselves. To give them the powers of the act of 1836, would fairly entitle the parties to the remedies provided by that law. But aside from all this, the usual and most satisfactory references of these cases are to the officers who are in possession of the documentary evidence connected with the claims, and who sit for hearing, where the justice of each and every claim is more nearly arrived at than it could possibly be in some county remote from the seat of government. With every desire to see full justice done in every case, I should greatly fear a departure from the usual and customary mode might lead to a constant loss of the public revenue, and result in a system of legislation, which would carry the claims for and against the Commonwealth, away from the inspection and scrutiny of those to whom the law has very wisely entrusted them. For these reasons I withhold my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Legalize Certain Elections for Military Officers in Montour County."

Executive Chamber,  
Harrisburg, May 2, 1861.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, with my objections, bill, No. 833, entitled "An Act to legalize certain elections for military officers in Montour county."



The preamble of this bill recites that two elections were held in Montour county, the one on the 6th of June, 1859, and the other on the 24th of December of the same year, for brigadier general and brigade inspector, and that at the time of said elections Montour county was not attached to any military division of the State, and the proposed enactment, which follows, is designed to cure the supposed defect of said elections.

By the act of 15th May, A. D. 1860, the county of Montour was attached to the eighth division, Pennsylvania militia, which renders it unnecessary that the present bill should become a law. For this reason, therefore, I return it without my approval.

A. G. CURTIN.

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To the Senate Nominating W. W. Irvin to be Commissary General.

Executive Chamber,  
Harrisburg, May 7, 1861.

Gentlemen:—

**I** HEREBY NOMINATE FOR THE ADVICE AND consent of the Senate, W. W. Irvin, of the county of Beaver, to be Commissary General, in the place and stead of John W. M'Lean, who has resigned.

A. G. CURTIN.



To the Senate Nominating George A. M'Call to be  
Major General of the Pennsylvania Troops.

Executive Chamber,  
Harrisburg, May 16, 1861.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate of Pennsylvania, George  
A. M'Call, of the county of Chester, to be Major  
General of the troops to be raised in Pennsylvania,  
under the act of the 15th of May, 1861.

A. G. CURTIN.

Proclamation of the Election of Hendrick B. Wright  
as a Representative of Pennsylvania in the United  
States Congress.

Pennsylvania, ss.

(Signed) Andrew G. Curtin.



wealth.

**I N THE NAME AND BY**  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

#### A PROCLAMATION.

Whereas by a return made by the  
Judges of a special election, held in  
the Twelfth Congressional District of  
this Commonwealth, composed of the  
Counties of Columbia, Montour, Lu-  
zerne and Wyoming on Saturday the  
Twenty second day of June last past  
under the authority of An Act of the General  
Assembly approved the second day of July A.  
D. one thousand eight hundred and thirty-nine, en-



titled "An Act relating to the Elections of this Commonwealth" it appears that Hendrick B. Wright, Esquire, was duly elected to serve as a Representative of

\*DOCUMENTS RELATING TO THE PROCLAMATION.

Wilkes-Barre, Luzerne Co., Penna.

May 28, 1861.

His Excellency Andrew G. Curtin,  
Governor of Pennsylvania:

Sir. Our Congressional Representative, Hon. George W. Scranton, having deceased, and the Extra Session of Congress being near at hand, we respectfully request your Excellency to issue a writ for holding an election to supply the vacancy in this District. Very important measures will engage the Congress at its meeting in July next, and we are desirous to elect such a citizen to represent us as will fully carry out the wishes of our people, as we believe our late worthy Congressman would have done. Luzerne County has fourteen hundred men now in the military service of the United States, and she feels as if she were entitled to a voice and a representation in the Councils of the Nation at this juncture in public affairs. By giving your early attention to our request you will meet the wishes of your numerous friends in this region.

C. B. Fisher,  
Lewis D. Paine,  
Hendrick B. Wright,  
C. D. Shoemaker,  
G. W. Hollenbach,  
N. Rutter,  
Stewart Pearce,

W. H. Butler,  
O. Collins,  
S. Butler  
V. L. Maxwell,  
Alexr. Gring,  
Andw. T. McClintock.

Note in the hand of Governor Curtin:

Order election to fill vacancy caused by the death of Mr. Scranton on 23 June, 1861.

A. G. CURTIN.

Writ to Frederick Blue (and others), Requiring Election in the Twelfth Congressional District for Representative in Congress.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, ANDREW G. CURTIN Governor of the said Commonwealth. To Frederick Blue, Esquire, Sheriff of the County of Montour, Sends Greeting.

WHEREAS, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of George W. Scranton, Esquire, elected a member of the thirty-seventh Congress from the Twelfth Congressional District composed of the Counties of Montour, Columbia, Luzerne and Wyoming,

Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States and of an act of the General Assembly of this State, passed the second day of July, A. D. one thousand eight hundred and thirty-nine, I, Andrew G. Curtin, being vested with the executive authority



this State in the House of Representatives of the Thirty-seventh Congress of the United States to supply the vacancy occasioned by the death of the Honorable George W. Scranton.

And whereas in and by the forty second section of the act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by proclamation the name of the person elected.

Now therefore I have issued this my Proclamation hereby publishing and declaring that the said Hendrick B. Wright, Esquire, is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the

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of the State of Pennsylvania, have issued this writ hereby commanding you, the said Frederick Blue, to hold an election in the said County of Montour, on Saturday, the twenty-second day of June, one thousand eight hundred and sixty-one, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct the said Election and make a return thereof in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and sixty-one and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

Writs like this were also sent to John Snyder, Sheriff of Columbia County, Samuel Van Loan, Sheriff of Luzerne County, Levi H. Stevens, Sheriff of Wyoming County.



titled "An Act relating to the Elections of this Commonwealth" it appears that Hendrick B. Wright, Esquire, was duly elected to serve as a Representative of

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C. B. Fisher,  
Lewis D. Paine,  
Hendrick B. Wright,  
C. D. Shoemaker,  
G. W. Hollenbach,  
N. Rutter,  
Stewart Pearce,

W. H. Butler,  
O. Collins,  
S. Butler  
V. L. Maxwell,  
Alexr. Gring,  
Andw T. McClintock.

Note in the hand of Governor Curtin:

Order election to fill vacancy caused by the death of Mr. Scranton on 23 June, 1861.

A. G. CURTIN.

Writ to Frederick Blue (and others), Requiring Election in the Twelfth Congressional District for Representative in Congress.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ANDREW G. CURTIN Governor of the said Commonwealth. To Frederick Blue, Esquire, Sheriff of the County of Montour, Sends Greeting.

WHEREAS, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of George W. Scranton, Esquire, elected a member of the thirty-seventh Congress from the Twelfth Congressional District composed of the Counties of Montour, Columbia, Luzerne and Wyoming;

Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States and of an act of the General Assembly of this State, passed the second day of July, A. D. one thousand eight hundred and thirty-nine, I, Andrew G. Curtin, being vested with the executive authority



this State in the House of Representatives of the Thirty-seventh Congress of the United States to supply the vacancy occasioned by the death of the Honorable George W. Scranton.

And whereas in and by the forty second section of the act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by proclamation the name of the person elected.

Now therefore I have issued this my Proclamation hereby publishing and declaring that the said Hendrick B. Wright, Esquire, is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the

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of the State of Pennsylvania. have issued this writ hereby commanding you, the said Frederick Blue, to hold an election in the said County of Montour, on Saturday, the twenty-second day of June, one thousand eight hundred and sixty-one, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct the said Election and make a return thereof in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and sixty-one and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

Writs like this were also sent to John Snyder, Sheriff of Columbia County, Samuel Van Loan, Sheriff of Luzerne County, Levi H. Steyens, Sheriff of Wyoming County.



Honorable George W. Scranton, deceased, who had been elected a member of the Thirty Seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this First day of July in the year of our Lord, one thousand, eight hundred and sixty-one and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.

Proclamation of the Election of Charles J. Biddle as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss.

(Signed) Andrew G. Curtin.



wealth.

**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylv-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

#### A PROCLAMATION.

Whereas a return made by the Judges of a special election held in the Second Congressional District of this Commonwealth, composed of certain portions of the City of Philadelphia on Tuesday the Second day of July last past under the authority of an

#### \*DOCUMENTS RELATING TO THE PROCLAMATION.

Washington June 13, 1861.

(Private.)

To His Excellency Andrew Curtin:

Sir, Annexed you will find my official resignation of the seat I now hold in Congress. I advised you of this fact by telegraph to-day. Be kind enough to immediately issue a writ to the Sheriff for a special election that an



Act of the General Assembly approved the Second Day of July, A. D. one thousand eight hundred and thirty-nine entitled "An Act relating to the elections of this Commonwealth" it appears that Charles J. Biddle was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty seventh Congress of the United States to supply the vacancy occasioned by the Resignation of the Honorable Edward Joy Morris.

opportunity may be afforded to choose my successor by the meeting of Congress in extra session. The law requires the Executive to issue his writ fifteen days in advance of a special election. Of course the election will be in the Second Congressional District, as I was elected from it, and before it was changed by the last apportionment bill.

With great respect, Your obt. Servt.,

EDWARD JOY MORRIS.  
Washington, June —, 1861.

(Official.)

His Excellency Andrew Curtin, &c., &c.:

Sir: Having been appointed by the President of the United States Minister to Turkey, I respectfully tender you my resignation as Member of Congress from the Second Congressional District of Pennsylvania.

Very Respectfully Your obedient Servant,

EDWARD JOY MORRIS.

To Andrew Curtin,  
Govr. of Penna.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said Commonwealth. To William H. Kern, Esquire, Sheriff of the City and County of Philadelphia, Sends Greeting:

WHEREAS, a vacancy has occurred in the Representation of this State in the House of Representatives of the United States, by reason of the resignation of the Hon Edward Joy Morris elected a member of the Thirty-seventh Congress from the Second Congressional District, composed of certain portions of the City of Philadelphia,

Now therefore, in pursuance of the provisions in such cases made by the Constitution of the United States and of the Act of the General Assembly of the State passed the Second day of July, A. D. one thousand eight hundred and thirty-nine, I, Andrew G. Curtin, being vested with the Executive Authority of the State of Pennsylvania have issued this Writ, hereby commanding you the said William H. Kern to hold an



Honorable George W. Scranton, deceased, who had been elected a member of the Thirty Seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this First day of July in the year of our Lord, one thousand, eight hundred and sixty-one and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.

Proclamation of the Election of Charles J. Biddle as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss.

(Signed) Andrew G. Curtin.



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the Authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

wealth.

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Sir: Annexed you will find my official resignation of the seat I now hold in Congress. I advised you of this fact by telegraph to-day. Be kind enough to immediately issue a writ to the Sheriff for a special election that an



Act of the General Assembly approved the Second Day of July, A. D. one thousand eight hundred and thirty-nine entitled "An Act relating to the elections of this Commonwealth" it appears that Charles J. Biddle was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty seventh Congress of the United States to supply the vacancy occasioned by the Resignation of the Honorable Edward Joy Morris.

opportunity may be afforded to choose my successor by the meeting of Congress in extra session. The law requires the Executive to issue his writ fifteen days in advance of a special election. Of course the election will be in the Second Congressional District, as I was elected from it, and before it was changed by the last apportionment bill.

With great respect, Your obt. Servt.,

EDWARD JOY MORRIS.  
Washington, June —, 1861.

(Official.)

His Excellency Andrew Curtin, &c., &c.:

Sir: Having been appointed by the President of the United States Minister to Turkey, I respectfully tender you my resignation as Member of Congress from the Second Congressional District of Pennsylvania.

Very Respectfully Your obedient Servant,

EDWARD JOY MORRIS.

To Andrew Curtin,  
Govr. of Penna.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania ANDREW G. CURTIN, Governor of the said Commonwealth. To William H. Kern, Esquire, Sheriff of the City and County of Philadelphia, Sends Greeting:

WHEREAS, a vacancy has occurred in the Representation of this State in the House of Representatives of the United States, by reason of the resignation of the Hon. Edward Joy Morris elected a member of the Thirty-seventh Congress from the Second Congressional District, composed of certain portions of the City of Philadelphia;

Now, therefore, in pursuance of the provisions in such cases made by the Constitution of the United States and of the Act of the General Assembly of the State passed the Second day of July, A. D. one thousand eight hundred and thirty-nine, I, Andrew G. Curtin, being vested with the Executive Authority of the State of Pennsylvania have issued this Writ, hereby commanding you the said William H. Kern to hold an



And whereas in and by the Forty-second Section of the Act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected,

Now therefore I have issued this my Proclamation hereby publishing and declaring that the said Charles J. Biddle is duly elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the Honorable Edward Joy Morris who had been elected a member of the Thirty seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this Sixth day of July in the year of our Lord one thousand eight hundred and sixty one (1861) and of the Commonwealth the Eighty-sixth.

By the Governor:

Saml. B. Thomas,  
Deputy Secretary of the Commonwealth.

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election in the said Second Congressional District composed of certain portions of the City of Philadelphia, on Tuesday the Second day of July, A. D. one thousand eight hundred and sixty-one, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has occurred as aforesaid and you are hereby required and enjoined to hold and conduct the said Election and make a return thereof in the manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this Thirteenth day of June, in the year of our Lord one thousand eight hundred and sixty-one, and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.



Proclamation of the Cancellation of Three Hundred  
Thousand Eight Hundred and One Dollars of the  
Principal Debt of the Commonwealth, Through  
the Commissioners of the Sinking Fund.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylvan-  
ia. ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Whereas By the Third section of the act of the General Assembly of this Commonwealth passed the 22d day of April, A. D. 1858, entitled "An act to establish a Sinking fund for the payment of the public debt," it is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer Commissioners of the Sinking fund created by the said Act of Assembly, on the first Monday of September Anno Domini 1859, and on the same day annually thereafter, to Report and Certify to the Governor, the amount received under said Act, the amount of Interest paid and the amount of the debt of the Commonwealth redeemed and held by them: Whereupon the Governor shall direct the Certificates representing the same to be cancelled and on such cancellation issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt.

And whereas by the ninety eighth Section of the act of the General Assembly, passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordinary expenses of the Government, &c.," it is provided that thereafter the receipts to the Sinking fund,



And whereas in and by the Forty-second Section of the Act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected,

Now therefore I have issued this my Proclamation hereby publishing and declaring that the said Charles J. Biddle is duly elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of the Honorable Edward Joy Morris who had been elected a member of the Thirty seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this Sixth day of July in the year of our Lord one thousand eight hundred and sixty one (1861) and of the Commonwealth the Eighty-sixth.

By the Governor:

Saml. B. Thomas,  
Deputy Secretary of the Commonwealth.

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election in the said Second Congressional District composed of certain portions of the City of Philadelphia, on Tuesday the Second day of July, A. D. one thousand eight hundred and sixty-one, for choosing a Representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has occurred as aforesaid and you are hereby required and enjoined to hold and conduct the said Election and make a return thereof in the manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this Thirteenth day of June, in the year of our Lord one thousand eight hundred and sixty-one, and of the Commonwealth the eighty-fifth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.



Proclamation of the Cancellation of Three Hundred Thousand Eight Hundred and One Dollars of the Principal Debt of the Commonwealth, Through the Commissioners of the Sinking Fund.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY the Authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said Common-

wealth.

#### A PROCLAMATION.

Whereas By the Third section of the act of the General Assembly of this Commonwealth passed the 22d day of April, A. D. 1858, entitled "An act to establish a Sinking fund for the payment of the public debt," it is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer Commissioners of the Sinking fund created by the said Act of Assembly, on the first Monday of September Anno Domini 1859, and on the same day annually thereafter, to Report and Certify to the Governor, the amount received under said Act, the amount of Interest paid and the amount of the debt of the Commonwealth redeemed and held by them: Whereupon the Governor shall direct the Certificates representing the same to be cancelled and on such cancellation issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt.

And whereas by the ninety eighth Section of the act of the General Assembly, passed the 19th day of April, A. D. 1853, entitled "An Act to provide for the ordinary expenses of the Government, &c.," it is provided that thereafter the receipts to the Sinking fund,



to the amount that may be necessary to cancel the relief issues, now in circulation under the provisions of the Act of the 4th of May A. D. 1841, and the re-issues under the Act of the 10th of April, A. D. 1849, shall be applied toward the cancellation of said issues.

And whereas, Eli Slifer, Thomas E. Cochran and Henry D. Moore, Ex Officio Commissioners of the Sinking fund, in obedience to the requirements of law, Report and Certify to me, that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the Fourth day of September A. D. 1860 to the First day of September A. D. 1861, amounts to the sum of Three Hundred Thousand, Eight Hundred and One Dollars and One Cent, made up as follows:

Stock Loans, .....	\$300,050 00
Interest Certificates, .....	330 01
Relief Notes Cancelled, .....	421 00
<hr/>	
Total, .....	\$300,801 01
<hr/>	

Now therefore as required by the Third Section of the Act of Assembly aforesaid, I do hereby issue this my proclamation, declaring the payment, cancellation, extinguishment and final discharge of Three hundred thousand, eight hundred and one dollars and one cent of the principal of the debt of the Commonwealth, including Four hundred and twenty-one dollars of the relief issues which have been cancelled and destroyed as authorized by the Ninety-eighth Section of the Act of the Nineteenth of April, A. D. one thousand eight hundred and fifty three.

Given under my Hand and the Great Seal of the State at Harrisburg, this Fifth day of September in the year of our Lord one thousand eight hundred and sixty one and of the Commonwealth the eighty-sixth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.



Proclamation of a Day of Public Humiliation, Fasting and Prayer.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

I N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

A PROCLAMATION.

Whereas the President of the United States of America has by proclamation appointed Thursday the 26th day of September current as "a day of public humiliation, prayer and fasting to be observed by the people of the United States with religious solemnities and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His blessing on their arms and a speedy restoration of peace."

Now therefore I Andrew G. Curtin Governor of the Commonwealth of Pennsylvania do order that on the day named therein the public offices shall be closed and I earnestly recommend to the people to suspend on that day their ordinary avocations and to close their places of business and to humble themselves before the Almighty with Earnest prayers that he will favorably with Mercy, look upon His people.

Given under my hand and the Great Seal of the State at Harrisburg this nineteenth day of September in the year of our Lord one thousand Eight hundred and sixty one and of the Commonwealth the Eighty Sixth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.



Proclamation Prohibiting the Raising of Volunteers in Pennsylvania Otherwise than by the Authority of the Governor, and Forbidding all Citizens of the Commonwealth from Attaching Themselves to Irregular and Unlawful Volunteer Organizations.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of said Common-

A PROCLAMATION.

Whereas, By the twelfth section of the Act of Assembly, passed the Fifteenth day of May 1861 it is provided that it shall not be lawful for any Volunteer Soldier to leave this Commonwealth as such, unless he shall have been first accepted by the Governor of this State, upon a call under a requisition of the President of the United States made upon the Governor direct, for troops for the service of the United States.

And Whereas, Notwithstanding such prohibition sundry persons, (many of them engaged in raising regiments to be furnished from other States,) are persisting in endeavoring to enlist volunteers in violation of law.

And Whereas, It is necessary for the public service and for the honor of Pennsylvania, that her military force should be regularly organized and furnished for the suppression of the existing rebellion, in conformity with the acts of Congress of the 22d and 25th July 1861, and with the laws of the State, and that her citizens should not be seduced into organizations inde-



pendent of the State authority whereby the raising of her quota is embarrassed, the regiments are not enrolled in her Archives, the families of the men are deprived of the relief provided by the laws of the State for the families of her own Volunteers, and the State herself by the absorption of her men in such unlawful organizations may be found unable to supply volunteers to fill the future requisitions of the Government of the United States.

And Whereas, the following order has been issued by the War Department of the United States, viz:

“War Department, September 25, 1861.

“His Excellency, A. G. Curtin, Governor of Pennsylvania, Harrisburg,

“Sir:—I have the honor to transmit the following “order from the War Department:

“1. All men now enrolled or mustered into the service of the United States for brigades, regiments, batteries or companies in the State of Pennsylvania “under the direct authority of the Secretary of War “are placed under the command of the Governor of “Pennsylvania, who shall organize or reorganize them “as he may deem most advantageous to the interests “of the General Government.

“2. The United States will continue to furnish subsistence, camp equipage, clothing, &c., as heretofore, “for the organizations referred to in the first paragraph, and all U. S. Commissaries and Quarter-masters will furnish on requisitions made the necessary “subsistence, clothing, &c.

“3. All authorizations heretofore given to said brigades, regiments or companies in the State of Pennsylvania are hereby revoked from and after the expiration of the times limited in the original authority, or in any renewals heretofore granted; and in “cases where no limit of time has been specified, then “from and after the expiration of ten days from the “date of this order; and in future all volunteers for



“the service of the United States shall be raised, in  
“Pennsylvania, only under requisitions made on the  
“Governor.

“All authorities issued by the War Department for  
“Independent Regiments subject to the approval of  
“the Governor, which have not been so approved are  
“hereby revoked.

Respectfully,

(Signed.)

Simon Cameron,  
Secretary of War.

And, Whereas, the President of the United States has, in accordance with the Acts of Congress of the twenty second and twenty fifth of July last, made requisitions on the Governor of Pennsylvania for sundry regiments of volunteers, which requisitions are in the course of being filled,

Now, therefore, I Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania for the purpose of preventing further impositions on the good and loyal citizens of Pennsylvania in this regard do make this my proclamation hereby prohibiting all persons from raising volunteers in Pennsylvania otherwise than by authority of the Governor, and especially forbidding the raising of volunteers for regiments to be furnished from other States. And also forbidding all citizens of Pennsylvania from enlisting in or attaching themselves to any such irregular and unlawful organizations and warning all persons that in disobeying this proclamation they will be disregarding the orders of the Government of the United States, as well as defying the laws of the State and violating their duties as sons and citizens of the Commonwealth. And I do hereby require all Magistrates, District Attorneys, and officers of the Commonwealth to arrest and prosecute all persons who shall disobey this proclamation, and particularly all persons and their aiders and



abetters who under any pretended authority shall enlist volunteers for any brigade, regiment, battery or company of Volunteers other than such as may be authorized by the Governor of this Commonwealth, or advertize or open or keep recruiting stations for such enlistments so that such offenders may be brought to justice and punished according to law.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty eighth day of September, in the year of our Lord one thousand eight hundred and sixty one and of the Commonwealth the eighty sixth.

By the Governor,

Eli Slifer,

Secretary of the Comth.

### Proclamation of a Day of Thanksgiving.—1861.

Pennsylvania, ss:

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

#### A PROCLAMATION.

Whereas, Every good gift is from above and comes down to us from the Almighty, to whom it is meet, right and the bounden duty of every People to render Thanks for His mercies; Therefore I, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania, Do recommend to the People of this Commonwealth, that



they set apart Thursday, the twenty-eighth day of November next, As a day of solemn Thanksgiving to God, for having prepared our Corn and watered our Furrows, and blessed the labors of the Husbandman, and crowned the year with His goodness, in the increase of the ground and the gathering in of the fruits thereof, so that our barns are filled with plenty: And for having looked favorably on this Commonwealth and strengthened the bars of her gates and blessed the Children within her, and made men to be of one mind, and preserved Peace in her borders; Beseeching Him also, on behalf of these United States, that our beloved County may have deliverance from those great and apparent dangers wherewith she is compassed, and that the brave and loyal Men now battling in the field for her Life, may have their arms made strong and their blows heavy, and may be shielded by His Divine Power, and that He will mercifully still the outrage of perverse, violent, unruly and rebellious people, and make them clean hearts, and renew a right spirit within them, and give them Grace that they may see the error of their ways and bring forth fruits meet for repentance, and hereafter, in all godliness and honestly, obediently walk in His Holy Commandments, and in submission to the just and manifest authority of the Republic, so that We, leading a quiet and peaceable life, may continually offer unto Him our sacrifice of Praise and Thanksgiving.

Given under my Hand and the Great Seal of the State, at Harrisburg, this sixteenth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, and of the Commonwealth the eighty-sixth.

By the Governor:

(Signed.)

Eli Slifer,

Secretary of the Commonwealth.



## Annual Message to the Assembly.—1862.

Gentlemen:—

**I**T HAS PLEASED DIVINE PROVIDENCE, DURING the last season, to give us abundant crops, unbroken peace within our borders, unanimity among our people, and thus to enable this Commonwealth to do her full duty to the country, to herself, and to posterity. For these blessings we have cause to be grateful.

The balance in the Treasury on the 30th

November, 1860, was, ..... \$681,433 08

The receipts during the fiscal year ending

November 30, 1861, were as follow:—

From ordinary sources, .... \$3,017,645 57

From temporary loan under

act of April 12, 1861, at 6

per cent. interest, and ne-

gotiated at par, ..... 475,000 00

From 6 per cent. loan under

act of May 15, 1861, also

negotiated at par, ..... 2,612,150 00

From Society of Cincinnati, .. 500 00

From United States, on ac-

count of military expen-

ses, ..... 606,000 00

From Paymasters and

others, refunded, ..... 32,229 45

---

 6,743,525 02
 

---

Total into Treasury for fiscal year ending

November 30, 1861, ..... 7,424,958 10

And the payments as follows:

For ordinary purposes, .... \$3,144,480 34

For military ex-

penses under

act April 12,

1861, ..... \$474,873 85



Ditto, act May

15, 1861, . . . . 1,708,462 68

Ditto, act May

16, 1861, . . . . 170,535 51

2,353,872 04

Amount loan under act

April 12, 1861, repaid, . . . 375,000 00

5,873,352 38

Leaving balance in Treasury, No-

vember 30, 1861, . . . . . 1,551,605 72

#### Public Debt—Funded and Unfunded.

Received from temporary

loan under act of April 12,

1861, . . . . . \$475,000 00

Repaid as above, . . . . . 375,000 00

Outstanding November 30, 1861, . . . . . \$100,000 00

Received from loan under act May 15,

1861, . . . . . 2,612,150 00

Amount of public debt, fund-

ed and unfunded, Novem-

ber 30, 1860, . . . . . \$37,969,847 50

Paid during fiscal year, . . . . . 101,331 42

Remaining unpaid, (exclus-

ive of military loans above

mentioned,) November 30,

1861, . . . . . 37,868,516 08

37,868,516 08

#### Receipts and Expenditures of Military Loans.

Receipts under the act of

April 12, 1861, . . . . . \$475,000 00

Ditto, May 15, 1861, . . . . . 2,612,150 00



From Paymasters and others, refunded, .....	32,229 45	
	<hr/>	\$3,119,379 45
Paid for military expenses, as above, .....	2,353,872 04	
Paid for redeeming loan, act April 12, .....	375,000 00	
	<hr/>	2,728,872 04
		<hr/>
Unexpended of military loans, .....	390,507 41	
Receipts and Expenditures of Ordinary Revenue.		
Balance in Treasury, from ordinary sources, Novem- ber 30, 1860, .....	\$681,433 08	
Received from ordinary sources during fiscal year, .....	3,017,645 57	
	<hr/>	
	3,699,078 65	
Paid for ordinary expenses, as above, .....	3,144,480 34	
	<hr/>	
Unexpended of ordinary revenue, .	554,598 31	
Received from United States on account of military expenses, .....	606,000 00	
Received from Society of Cincinnati, ....	500 00	
	<hr/>	
Balance in Treasury, as above, ..	1,551,605 72	
	<hr/>	

It will be observed that the fiscal year ends on the 30th of November, and the sinking fund year on the first Monday in September, which accounts for the apparent deficiency in the amount of debt paid as stated in the Treasurer's report, and by the Commissioners of the Sinking Fund. The State has on hand a surplus of uniforms and equipments which cost about \$190,000, which the United States have agreed



to take and pay for at cost. Arrangements have been made with the General Government for the re-imbursement of the military expenses of the State since the 27th of July last. The bills as paid are forwarded to Washington and partial re-payments have already been made.

It will be observed that the receipts from ordinary sources of revenue for the year 1861, have decreased, but as payments have been made on some of them since the settlement at the end of the fiscal year on the 1st of December, and more may reasonably be expected in addition to the payments to be made by the National Government as hereinafter stated the balance available in the Treasury will be largely increased.

It will also be observed that it has not yet been found necessary to call in all of the loan effected under the act of the 15th of May last.

In some items the ordinary revenue of 1861 was in excess of that of 1860.

The loan authorized by the act of May 15, 1861, was taken at par. This occurrence, most gratifying under all the then existing circumstances of embarrassment, affords triumphant evidence of the confidence of the people in the stability and integrity of the Commonwealth, and of their determination to support the Government.

The operations of the sinking fund during the last year, have been as shown by my proclamation of 5th of September last as follow:

Debt redeemed from 4th September, 1860,	
to 1st September, 1861, .....	\$300,801 01
Of stock loans, .....	\$300,050 00
Of interest certificates, ....	3,330 01
Of relief notes, .....	421 00
	<hr/>
	\$300,801 01



I refer to the reports of the State Treasurer and Auditor General, for the details of the financial affairs of the Commonwealth. The reports of the Surveyor General and State Librarian will exhibit the state of the departments under their care.

The Commissioners of the Sinking Fund during the last spring received from the Philadelphia and Erie (late Sunbury and Erie) railroad company, forty bonds of that company for \$100,000 each, and a mortgage to secure the same, executed in conformity with the third section of the act of March the 7th, 1861. That company has also deposited in the State Treasury its bonds to the amount of \$5,000,000 00, in accordance with the sixth section of the same act. On the 9th of May last, I granted my warrant authorizing the State Treasurer to deliver to the said company, one thousand of said bonds, being to the amount of \$1,000,000 00. This warrant was issued in conformity with the law. the five per cent. bonds mentioned in the fifth section of the act (except those belonging to the State and now in the sinking fund) having been previously surrendered and cancelled, and satisfaction entered on the record of the mortgage mentioned in said fifth section. Having received notice from the company that the bonds so delivered to the company or their proceeds had been appropriated, in accordance with the provisions of the law, on the 21st of June last I appointed John A. Wright as Commissioner to examine and to report to me whether said bonds or their proceeds had been appropriated to the purposes required by the act. His report has not yet been received by me.

It is understood that arrangements have at last been made under which the direct railroad connection between Philadelphia and Erie will be completed within a short time. It is impossible to estimate too highly the importance of this great work to the Common-



wealth, and especially to Philadelphia and Erie, and the hitherto neglected counties near its route west of the Susquehanna.

By the act of the 21st April, 1858, for the sale of the State canals to the Sunbury and Erie railroad company it was provided that if that company should sell said canals for a greater sum in the aggregate than three and a half millions of dollars, seventy-five per centum of such excess should be paid to the Commonwealth by a transfer of so much of such bonds and securities as said company should receive for the same and payable in like manner.

The company sold the canals and reported that the share of the profit on such sale, due to the Commonwealth was \$281,250 of which \$250 was paid in cash and for the remaining \$281,000 the Commonwealth received coupon bonds of the Wyoming canal company to that amount, being a portion of bonds for \$900,000 issued by that company and secured by a mortgage of the Wyoming canal, formerly called the Lower North Branch canal. These bonds bear an interest of six per cent. per annum, payable semi-annually on the 15th of January and July, and the interest was paid by the company to January last inclusive. The interest due in July last has not been paid.—Judgments having been obtained against the company on some of the coupons for the unpaid July interest, a bill in equity was filed in the Supreme Court by a bond and stockholder in which such proceedings were had that by a decree made of the 2d September last the property and affairs of the company were placed in the hands of a receiver.

A plan has been suggested for the assent of the stock and bondholders which contemplates a sale of the canal under lawful process and a purchase of the same for the purpose of forming a new company, of which the capital stock shall be one million of



dollars, divided into twenty thousand shares of fifty dollars each, of which each assenting holder of a mortgage bond for one thousand dollars shall be entitled to eighteen shares, and each assenting holder of fifty shares of stock of the Wyoming canal company shall be entitled to nine shares. Of course no officer of the Commonwealth had authority to assent to the proposal or in any way to affect her position. It is believed also that the plan is not one that ought to be assented to by the Commonwealth, and that under all the circumstances, if the convenience of individual parties requires a change such as proposed, the debt due to the Commonwealth ought to be first paid or fully secured.

I suggest that the act passed 8th of April, 1861, entitled "An Act concerning the sale of railroads, canals," &c., should be modified so that in all cases in which a debt may be due to the Commonwealth by the company as whose property a public work may be sold, the purchasers thereof shall not be entitled to the benefits and privileges conferred by the act unless they shall have first paid the debt due to the State or secured the same by their bonds to the Commonwealth secured by a first mortgage on the work itself.

I commend the subject to the immediate consideration of the Legislature, as an effort may be made at an early day to enforce a sale of the canal, and some provision by law to protect the interests of the State would in that case be necessary.

The wicked and monstrous rebellion which broke out many months ago, has not yet been quelled. Every sentiment of loyalty and patriotism demands its effectual suppression.

In my messages of the 9th and 30th of April last, I set forth at length my views of the character and objects of the contest which is still pending. Subsequent reflection has confirmed me in the correctness



of the opinion then expressed, and to which I refer. In addition it ought to be understood, that looking to the variety and character of her products and industry, her material interest alone would render the preservation of the Union from the present assault upon it, indispensable to Pennsylvania. She cannot afford to have a foreign power below or above or bounding her on the Delaware, the Chesapeake or the Mississippi, and she will never acquiesce in such a result, whatever may be the cost in men and money of her resistance to it.

On the 9th of April last I directed the attention of the Legislature to the necessity which existed for an improved military organization, and on the 12th of the same month the act, entitled "An Act for the better organization of the militia of this Commonwealth," passed, appropriating the sum of \$500,000 for the purpose of organizing, equipping and arming the militia. On the 15th of April the President, by proclamation, called for a military force of seventy-five thousand men, of which the quota assigned to Pennsylvania was at first sixteen (afterwards reduced to fourteen) regiments to serve as infantry or riflemen for the term of three months unless sooner discharged. This call was enthusiastically responded to by the people of Pennsylvania. The first military aid from the loyal States, which the Government received at Washington, was a Pennsylvania corps which arrived there prior to the 19th of April. On that day the passage of other corps from this and other States through Baltimore was impeded by force and during nearly two weeks afterwards the communication between Washington and the loyal States was almost entirely cut off. On the 19th I received a request from the War Department that the troops preparing in this State should be clothed, armed, equipped, subsisted and transported by the State in consequence of the



then inability of the United States. This request was of course complied with, and twenty-five regiments, (being eleven regiments beyond our quota,) comprising twenty thousand one hundred and seventy-five men from Pennsylvania served for the term of three months under the President's proclamation above referred to. As the furnishing those volunteers with supplies was necessarily under the circumstances a hurried operation, and as complaints were made in regard to them, and frauds were alleged to have been perpetrated, I appointed a board of commissioners to investigate the whole subject. A copy of their report with the evidence taken by them has been already laid before the public. It is the intention of the Auditor General to open the accounts of such parties as appear by the testimony to have been overpaid and this course has already been taken in two of those cases.

On the expiration of the term of the three months men in July last, some eight or ten thousand discharged Pennsylvania volunteers were thrown into Harrisburg without notice and detained here, waiting to be paid, for an average time of some ten days. Their tents, camp equipage and cooking utensils had been taken from them at Williamsport, Maryland, and they arrived here destitute of all means of shelter and of preparing their food. The Commissary of the United States furnished uncooked rations, and under the circumstances of emergency I deemed it necessary to make arrangements for aiding in the cooking and baking of the rations, and also for furnishing meals to such of the regiments as arrived during the night or under circumstances requiring instant relief. The expenses attending these operations amounted so far as ascertained to \$744.20, and I recommend that the Legislature make an appropriation to pay them. It ought to be stated that these expenses would have been much larger, but for the liberal and patriotic



efforts of the citizens and especially the ladies of Harrisburg; their free-handed hospitality and generous aid to our wearied and hungry soldiers, deserve remembrance and gratitude.

At the special session of the Legislature which commenced on the 30th of April last, I recommended the organization of a Reserve Corps, to be armed, equipped, clothed, subsisted and paid by the State, and drilled in camps of instruction, in anticipation of the exigencies of the country, and by the act of the 15th of May last, such a corps was directed to be raised, and a loan of \$3,000,000 was authorized to defray the expenses of that and other military preparations. Men more than sufficient in number to form some ten regiments of the Reserve Corps had, previous to the 15th of May been accepted by me in pursuance of a call on me (afterward rescinded) for twenty-five regiments, and were then already assembled and subject to my control. Most of these men volunteered for the Reserve Corps and were immediately organized. The remaining regiments were rapidly recruited and the corps was thus completed, and George A. M'Call, of Chester county, was commissioned as Major General, and assigned to the command of all the forces raised or to be raised under the provisions of the last mentioned act. The regiments composing the Reserve Corps were instructed in four camps in different parts of the State, until they were taken into the service of the United States. Two of these regiments, under the commands of Colonels Charles J. Biddle and Seneca G. Simmons, and two companies of artillery under the command of Col. Charles T. Campbell at the pressing instance of the War Department were sent on the 22d of June last to the relief of Col. Wallace, at Cumberland, and remained for about six weeks there, and in Western Virginia engaged in active operations.

Towards the close of July the whole corps was called



for under requisition, and taken into the service of the United States. Within four days after the disaster at Bull's Run, eleven regiments of this fine body of men (armed, drilled, clothed, equipped, and in all respects ready for active service) were in Washington. The regiments and companies from Western Virginia and the remaining two regiments making the whole number of fifteen, soon joined them there, and they are all now in service under the command of Gen. M'Call, who has been commissioned as a Brigadier General by the United States.

These fifteen regiments contain fifteen thousand eight hundred and fifty-six men, and constitute a division comprising three brigades, a regiment of artillery and one of cavalry. The whole expense of raising, clothing, equipping, subsisting and paying the Reserve Corps, (including the expense of establishing and fitting the camps of instruction, of recruiting, and supplying regimental flags, and the expenses of the campaign of the two regiments and companies in Maryland and Western Virginia, which were all defrayed by the State,) has amounted to \$855,444 87. This does not include the transportation on railroads, as the separation of that account would have been a work of great labor, nor does it include the pay of the two regiments during the campaign, but it does include all the expenses, which were heavy, of teams and transportation, not on railroads, for the two regiments on the campaign above mentioned. Twelve regiments of the Reserve Corps were paid, subsisted, &c., by the State to the average date of 22d July. The two regiments in Western Virginia were paid by the State to the date of their departure from Harrisburg on that expedition. The cavalry regiment was not paid by the State. It will be perceived that the whole average expense per man was \$53 95.

Previous to the 31st of April last, a regiment had



been enlisted in the city of Erie from North-western Pennsylvania. When the call was made on me on that day, for twenty-five additional regiments, the Erie regiment was ordered to march to Harrisburg. The call was rescinded, however, before the regiment reached Pittsburg, and I ordered it to encamp at that city, where it remained until the 30th of June. The National Government declined to muster the regiment into service—as all existing requisitions made on the State were more than filled.

Much apprehension existed in the Western and South-western borders of the State, and it was deemed prudent to retain the regiment at Pittsburg to meet any emergency that might arise. After the passage of the act of 15th May, 1861, it was expected that this regiment would form part of the Reserve Volunteer Corps; but as the men had been a long time from home and remained inactive in camp, they declined entering the service, and were subsisted and paid up to the 30th of June by the State. Two regiments have since been enlisted from the same part of Pennsylvania at the city of Erie, one of which has been at Washington in service since September, and the other is now ready for marching orders—and it is due to the first Erie regiment to say that most of the men are now in service.

Further requisitions for sixteen regiments of infantry and two regiments of cavalry were shortly afterwards made by the War Department. Of these, sixteen have already been raised and are in the service of the United States, and the remaining two are in the course of organization and nearly ready to march.

In addition to the requisitions on the State, the War Department had given authorities to numerous individuals to raise volunteers in Pennsylvania, but as that system was found to create much embarrassment, a general order was issued by the War Department on



the 25th of September last, placing all such organizations under the control of the Governor, and shortly afterwards a requisition was made on the State to increase her quota to seventy-five thousand men. Those independent organizations, as they were called, thus became Pennsylvania regiments and as completed and sent forward form part of the quota of the State.

The State regiments have been numbered, and the last to this date is numbered one hundred and fifteen. Two of the three months' regiments have continued in service under the later requisitions, and retain their original numbers. Deducting the remaining twenty-three three months' regiments, there are ninety-two regiments in service and preparing for it. We have also in service and preparing twenty-four companies.

The following table of the existing Pennsylvania volunteer force is given for information:

**Regiments in Service.**

66 regiments of infantry, of which 6 were rifle regiments, .....	71,189
11 regiments of cavalry, .....	12,690
1 regiment of artillery, .....	1,077
	<hr/>
	84,956

**Companies in Service.**

7 companies of infantry, .....	707
6 do. cavalry, .....	578
6 do. artillery, .....	936
	<hr/>
	2,221
	<hr/>
	87,177

Enlistments in other than Pennsylvania organizations, estimated, (the officers of which are in course of being commissioned),	6,400
	<hr/>

Total in service, .....	93,577
	<hr/> <hr/>



**Regiments Preparing for Service.**

12 regiments of infantry, .....	13,092	
1 regiment of cavalry, .....	1,136	
1 do. artillery, .....	1,077	
	<hr/>	15,305

**Companies Preparing for Service.**

1 company of cavalry, .....	109	
4 companies of artillery, .....	624	
	<hr/>	733
		<hr/>
		16,038

In service, .....	93,577
Preparing for service, .....	16,038

Pennsylvania's contribution, ..... 109,615  
 Exclusive of 20,175 three months' men, now disbanded.

The regiments preparing for service are incomplete. Those that may not be filled by the 16th instant will be consolidated and sent forward. Of the regiments in service, the 11th and 15th regiments of infantry are at Annapolis; the 28th, 29th, 21st, 66th, 69th, 71st, 72d and 106th regiments and one company of infantry are in the command of Major General Banks; the 45th, 50th, 55th, 76th and 100th regiments of infantry are in South Carolina; the 48th infantry are at Hatteras Inlet; the 108th infantry and 11th cavalry are at Fortress Monroe; the 77th, 78th and 79th infantry, the 7th and 9th cavalry, one troop of horse, one squadron of cavalry, two battalions of artillery are in Kentucky; the 84th and 110th infantry are in Western Virginia, as are also three companies of infantry, four companies of cavalry, five companies of light artillery; the 87th infantry are at Cockeysville, in Maryland; one com-



pany of artillery is at Fort Delaware; all the remainder of the volunteers are at or near Washington. Upwards of three hundred volunteers from Pennsylvania are now prisoners, but arrangements have been made for the exchange of prisoners it may be expected that they will soon be released.

In compliance with the joint resolutions of the 16th of May last, I have procured regimental flags for the Pennsylvania volunteers, and have presented them in person to most of the regiments. In other cases, the regiments being on or near the Potomac, I have requested Mr. Cowan, Senator, and Messrs. Grow and Wright, members of the House of Representatives, from Pennsylvania, to present them in the name of the Commonwealth.

The General Government requested that the States would abstain from purchasing arms, as their competition was found injurious in the market, and in view of the large expenditures of money in arming and equipping the volunteer force of the State, provided for the defence of the National Government, I did not purchase any as authorized by the twenty-eighth section of the act of the 15th of May, 1861. The State has now quite as many arms as are necessary to arm all her volunteer organizations in existence; but, influenced by the threatening aspect of our relations with foreign governments, I have directed the Adjutant General to procure arms as soon as it can be done on reasonable terms and without injurious competition with the National Government. Arms have been distributed among the border counties to all the organizations that have been formed to receive them. One thousand nine hundred and thirty arms have been thus distributed. I have also addressed a letter to the commissioners of all the border counties, offering arms to them as soon as military organizations shall be formed to receive them. Besides thus complying



with the requirements of the twenty-seventh section of the act of 15th May last, I have deemed it prudent to offer five thousand arms to such military organizations as may be formed in Philadelphia on a plan to be approved by me as Commander-in-Chief. Muskets and rifles to a considerable extent have been furnished to the Pennsylvania volunteers from the State arsenal. Others have been sent by the United States authorities to arm them before leaving the State. In some cases regiments have gone without arms under assurances from the War Department that they would be armed at Washington or other near designated points, and that their immediate departure was required. It was thought wise in these cases not to insist on the arms being sent before the regiments marched, as this would have imposed on the government an unnecessary expense in freight, and would have been productive of delays which might have been seriously detrimental to the public service. Forty-two pieces of artillery with limbers, caissons, forges, ammunition wagons, harness and all the necessary implements and equipments were furnished by the State to the artillery regiment of the Reserve Corps. Ten of these were purchased by the State, and their cost has been refunded by the United States. Diligence has been used in collecting arms throughout the State and repairing and altering them in the most approved manner.

The State has now 62 pieces of artillery, of which 17 need repairs.—26,753 muskets and rifles, some of which are in the hands of mechanics being repaired; 1,910 are in the hands of volunteer corps throughout the State; 1,930 in the possession of county commissioners, and 1,000 with the reserve corps of Philadelphia.

In addition to this the city of Philadelphia has 9 pieces of rifled artillery, and 4,976 muskets and rifles.

The State has also in the arsenal at Harrisburg



1,966 sabres and swords, and 1,957 pistols, and the city of Philadelphia has 440 sabres, and 326 pistols with the necessary accoutrements.

There is also in the arsenal at Harrisburg, a large amount of accoutrements and ammunition for artillery and small arms.

The Adjutant General is successfully engaged in collecting arms throughout the State, and it is expected that the number above stated will be largely increased. Probably, at least, 5,000 muskets and rifles and several pieces of artillery will still be collected.

The care which has been bestowed upon the comfort of the volunteers, and the goodness and sufficiency of their supplies of all kinds, and the excellent arrangements of the Medical Department under the control of Surgeon General Henry H. Smith, are proved by the fact that more than 60,000 men have been for various, generally short periods at Camp Curtin since the 9th of April last, and that down to the 1st of January instant, there died but forty-nine men at that camp, viz: Forty-four from sickness, two (belonging to regiments from other States,) who had been injured on railroads, two accidentally killed in Camp Curtin and one shot in Harrisburg.

To facilitate the making of allotments of their pay by our volunteers in the field for the support of their families at home, I appointed Hon. Edgar Cowan, Thomas E. Franklin and E. C. Humes, Esqs., commissioners to visit the camps of our men on and south of the Potomac, and also James Park and M. W. Beltzhoover, Esqs., commissioners to visit those in Kentucky and elsewhere in the western country, to call the attention of the troops to the system of allotment and to encourage them in adopting a practical plan for carrying it into effect.

The several reports of these commissioners are highly satisfactory.



For details on the several subjects connected with the military operations of this State, I refer to the reports of the Adjutant General, Surgeon General, Quartermaster General, Commissary General and Paymaster General which accompany this message.

The duties imposed on me were so onerous that I found it necessary to invite the temporary assistance of gentlemen on my staff to aid me to perform them.

In this capacity, Colonels Thomas A. Scott, Gideon J. Ball and John A. Wright contributed their valuable services from the middle of April until they were called away by other duties. Col. Scott remaining until he became connected with the War Department, Col. Ball until the 1st of June and Col. Wright until the 23d of July; for the time thus devoted to the service of the State they have refused to receive any compensation.

Colonels Joseph D. Potts, A. L. Russell, J. Brown Parker and Craig Biddle were in the service up to the 20th of December. The Department of Telegraph and Transportation was under the exclusive control of Col. Potts. The system and economy of its management show how faithfully and well he fulfilled his office.

It is but just to all these gentlemen that I should bear testimony to the untiring zeal and fidelity with which their duties were performed.

The quota of the State having been more than filled, and her military force organized, I was enabled on the 20th of December last, to dispense with a personal staff, and the temporary arrangement which had been made for its employment was then closed.

By the thirteenth section of the act of the 15th of May, 1861, I was authorized to draw my warrants on the Treasury for a sum not exceeding \$20,000 for compensation to such persons as might be required to serve the country in a military capacity, &c. Of this fund I have drawn from the Treasury \$8,500, out of



which I paid the compensation of my personal staff, also other expenses of the military department, and the actual expenses of persons employed on temporary service, none of whom received any further compensation, and expenses of the commissions appointed to investigate alleged frauds, &c., and the expenses of establishing military patrols on the Maryland line and \$500 on secret service. My account is settled in the office of the Auditor General up to the 1st of December. On that day I had expenses \$6,400, and except some inconsiderable payments made since, the balance remains in my hands.

The report of the Auditor General will exhibit the items of the account.

An account of military expenditures by the State on behalf of the United States, as far as the same had then been ascertained and settled by the accounting departments here, was made up to the 1st day of September, 1861, and presented on the 12th of that month at the Treasury Department of the United States for settlement and allowance. The sum of \$606,000, has been received from the Treasury Department on that account. The re-payment by the General Government of the expenses attending the organization and support of the Reserve Corps, may not be provided for by any existing act of Congress. As these expenses were incurred by the State for the benefit of the General Government, and have been productive of results most important to the welfare and even safety of the country, it would be right that an act of Congress should be passed providing expressly for their re-payment. It lies with the Legislature to adopt the proper means for directing the attention of Congress to this subject.

Assurances have been received from the Treasury Department that the examination of the military accounts of the State will be proceeded in without delay.



so that the State may receive a credit for the balance due, in time to apply the same towards the payment of her quota of the direct tax. Assuming the completion of this arrangement, if the State shall assume the direct tax for this year, a saving of fifteen per cent. will accrue to her, and no present increase of her taxation will be necessary.

Whether this credit be given or not, I recommend that the payment of the direct tax be assumed by the State.

In case the State assumes the payment of this tax there should be such revision of the tax laws as will hereafter equitably apportion the burden among the various interests now subject or that can properly be made subject to taxation. The saving fifteen per cent. to the people of the State by the assumption is a matter worthy of thought, but a more important consideration is that it will enable you who represent all the varied interests of the Commonwealth, to apportion the tax in such manner as to bear equally upon all. Our revenue laws had imposed on real and personal property as its full proportion, but little more than one-third of the taxes needed for the ordinary expenditures of the government. By the act of 15th May last, the tax on this species of property has already been increased one-sixth. Should the State refuse to assume the United States tax, the whole burden of it will fall upon these interests, interests too, most unfavorably affected by the war, whilst other kinds of property and other sources of revenue, judged by our laws able to pay nearly two-thirds of the present revenues of the State, would not be called on to contribute one dollar of additional tax.

The militia system of the Commonwealth is very imperfect. I recommend the establishment of a commission to frame and report a system more adequate to the exigency of the times.



I earnestly recommend to the Legislature that provision be made for the military instruction of youth. The appointment of a military instructor in the Normal schools, would in a short period give teachers to the common schools who would be competent to train the boys in attendance on them. It would in my opinion be wise also to provide for the purchase or leasing by the Commonwealth of a building for a military school, and for employing competent instructors, at the expense of the State, requiring the pupils to defray the other expenses. No pupil should be admitted to this school without having passed a thorough examination on mathematics and all fitting subjects of instruction except the military art proper. I respectfully urge this subject on your early consideration, as one of material perhaps vital importance.

I have taken measures to direct the efficient attention of the General Government to the fortification of the water approaches on the seaboard and the lakes, and arrangements are in the course of being affected which it is hoped will be satisfactory in their result.

I send with this message a copy of a communication from General Totten, Chief of the Military Engineer Department at Washington. I have also represented to the Secretary of the Navy the necessity for floating defences on the Delaware, and have his assurance that they shall be prepared at the earliest moment.

I have had a correspondence with the authorities and some of the citizens of Erie on the subject of the defenceless condition of that city, and the part of the State bordering on the lake. On examination it is found that there are no defences on the lake, and that the ordnance at the city of Erie was withdrawn by the National Government in the summer of 1861. The Secretary of the Navy, on a request made, directed that the crew of the United States steamer Michigan should



not be disbanded, as has been usual, and that vessel will remain in the harbor of Erie during the winter. Should the National Government unexpectedly fail in its duty providing adequate defences at our assailable points, East and West, I earnestly recommend that the Legislature take prompt means for that purpose. We should be admonished, by recent indications from abroad, to be prepared for our own defence, as well as for the suppression of domestic insurrection.

In selecting a site for a National Armory, if the public good be alone considered, Pennsylvania will be preferred, as she affords the combined advantages of a central position, abundance of material and skilled mechanics, and a people of undoubted loyalty.

I commend to the attention of the Legislature the report of the Superintendent of the Public Schools, the flourishing state of which and the rapid progress of education are subjects of just congratulation.

The reports of the Lunatic Hospital at Harrisburg and of Western Pennsylvania, of the Houses of Refuge at Philadelphia and Pittsburg, of the Institutions for the Deaf and Dumb and for the Blind and the Northern Home for Friendless Children at Philadelphia, and of the Pennsylvania Training School for Idiotic and Feeble Minded Children at Media, show that these meritorious charities are well administered, and I recommend that the countenance and aid of the Commonwealth be continued to them.

Under the joint resolution of 16th May last, commissioners have been appointed to revise the revenue laws, whose names will be forthwith submitted for the advice and consent of the Senate. It is hoped that the commissioners will be able to report during the present session of the Legislature. Considering the great labor imposed on them, and the vast importance, at the present time, of an able and efficient performance of the duties of the commissioners, I suggest that the



compensation provided for by the joint resolution should be increased to an adequate amount.

It was evident, long since, that it would be impossible for the banks to continue to redeem their obligations in coin, in the face of the large issues of paper, the necessity for which was imposed on them and the government by the exigencies of the times. No surprise, therefore, was felt at the suspension of specie payments by the banks, which took place on Monday, the 30th of December last. Under the circumstances, I recommend that they be relieved from all penalties for this breach of the law.

Pennsylvania has made great efforts to support the Government. She has given more and better clothed, and better equipped men than any other State, and has far exceeded her quota of the military levies. The sons of our best citizens, young men of education and means, fill the ranks of her volunteer regiments. Their gallant conduct, whenever an opportunity has been afforded to them, has done honor to the Commonwealth. The universal movement among our people, signifies that they are loyal to the Government established by their fathers, and are determined to quell the present insurrection and preserve the Union, and that they will not tolerate any plan for either the dissolution or re-construction of it.

A. G. CURTIN.

Executive Department,  
Harrisburg, January 8, 1862.



To the Senate Giving Notice of the Appointment  
of William M. Meredith to be Attorney General.

Executive Chamber,  
Harrisburg, January 9, 1862.

Senators:—

**D**URING THE RECESS OF THE SENATE, I COM-  
missioned William M. Meredith, Esq., of Phila-  
delphia, to be Attorney General, in the room of  
Samuel A. Purviance, Esq., resigned.

A. G. CURTIN.

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To the Assembly Vetoing "A Supplement to an Act  
for the Equalization of the Currency of the State."

Executive Chamber,  
Harrisburg, January 9, 1862.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIG-  
inated, bill, No. 23, entitled "Supplement to an  
act for the equalization of the currency of the  
State, approved the seventeenth day of April, Anno  
Domini, one thousand eight hundred and sixty-one."

This bill was not filed in the office of the Secretary  
of Commonwealth until after the adjournment of the  
Legislature, and could not receive the sanction or  
disapproval of the Executive. The bill itself is objec-  
tionable in many respects, and I have no doubt that  
you will adopt such measures, as, in the present exi-  
gencies, will secure to the people a currency as uniform  
as possible, and relieve any embarrassments that may  
exist from the suspension of specie payment by the  
banks.



I deemed it proper to return you the bill in this manner, so that there might be no misapprehensions in relation to it.

A. G. CURTIN.

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To the Senate Nominating Alexander L. Russell to be Adjutant General on the Grand Staff of the Militia of Pennsylvania.

Executive Chamber,  
Harrisburg, January 9, 1862.

Senators:—

**I** DO HEREBY NOMINATE AND APPOINT, FOR the advice and consent of the Senate, Alexander L. Russell, Esq., of the county of Allegheny, to be Adjutant General on the Grand Staff of the militia of this Commonwealth, for the term of three years, in room of Edward M. Biddle, Esq., who has resigned.

A. G. CURTIN.

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To the Senate Nominating Commissioners on the Revenue Laws of this Commonwealth.

Executive Chamber,  
Harrisburg, January 9, 1862.

Senators:—

**D**URING THE RECESS OF THE SENATE, I COM-missioned Daniel M. Smyser, of the county of Montgomery, William M'Clelland, of the county of Franklin, and James P. Sterrett, of the county of Allegheny, Esquires, as commissioners to revise, col-



late and digest all acts and statutes relating to, or touching the revenue laws of the Commonwealth.

I now nominate, for the advice and consent of the Senate, the said Daniel M. Smyser, William M'Clelland and James P. Sterrett, Esquires, to be commissioners as aforesaid.

A. G. CURTIN.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 29, 1862.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, James J. Barclay, Esq., of the city of Philadelphia, John L. Atlee, M. D., of the county of Lancaster, and Daniel W. Gross, Esq., of the county of Dauphin, to be trustees of the Pennsylvania State Lunatic hospital, for three years, from the first day of February next.

A. G. CURTIN.

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To the Senate Nominating Francis B. Penniman to be a Trustee of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 4, 1862.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing



an asylum for the insane poor of the Commonwealth, Francis B. Penniman, of the county of Wayne, to be a trustee of the Pennsylvania State Lunatic hospital, for the unexpired term of A. G. Waterman, deceased.

A. G. CURTIN.

Proclamation of the Election of John D. Stiles as a Representative from Pennsylvania in the United States Congress.

Pennsylvania, ss.

(Signed) A. G. Curtin



wealth.

**I**N THE NAME AND BY the Authority of the Commonwealth of Pennsylvania, ANDREW G. CURTIN, Governor of the said Common-

#### A PROCLAMATION.

Whereas by a return made by the judges of a special election held in the Seventh Congressional District of this Commonwealth, composed of the Counties of Bucks and Lehigh on Saturday the twenty-fourth day of May last past, under the Authority of the Act of the General Assembly Approved the Second day of July, A. D. one thousand eight hundred and thirty nine entitled "An act relating to the elections of this Commonwealth," it appears that John D. Stiles was duly elected to serve as a Representative of this State in the House of Representatives of the Thirty-seventh Congress of the United States, to supply the vacancy occasioned by the death of the Hon. Thomas B. Cooper.



And whereas in and by the Forty-second Section of the Act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected,

Now therefore, I have issued this my Proclamation hereby publishing and declaring that the said John D. Stiles is duly elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives of the Congress of the United States in the room of the Honorable Thomas B. Cooper, deceased, who had been elected a member of the Thirty-seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this Second day of June in the year of our Lord one thousand eight hundred and sixty two and of the Commonwealth the sixty sixth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.



1848

1848-1849



And whereas in and by the Forty-second Section of the Act above recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected,

Now therefore, I have issued this my Proclamation hereby publishing and declaring that the said John D. Stiles is duly elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives of the Congress of the United States in the room of the Honorable Thomas B. Cooper, deceased, who had been elected a member of the Thirty-seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this Second day of June in the year of our Lord one thousand eight hundred and sixty two and of the Commonwealth the sixty sixth.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.



Y  
H.A.

are original & honest.

for Pennsylvania has nothing to do  
her duty to the Country. After  
Pleas are again called on  
to volunteer in her defence



~~CONFIDENTIAL~~ Review of the Government ~~CONFIDENTIAL~~



Proclamation for More Men for the Suppression of  
the Rebellion.

Pennsylvania, ss.

(Signed) A. G. Curtin.



I N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylv-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-

wealth.

**A PROCLAMATION.**

More men are required for the sup-  
pression of the Rebellion.

Our Regiments in the field are to be  
recruited to their original Strength  
and in addition new Regiments are to  
be formed.

Pennsylvania has hitherto done her  
her duty to the Country. Her Freemen are again  
called on to Volunteer in her defence that the blood of  
her Sons who have already fallen may not have shed  
in vain and that we may hand down to our posterity  
the blessings of Union and civil and political liberty  
which we derived from our Fathers.

The number of men now required and the regula-  
tions for Enlistment will be made known forthwith  
in General Orders.

Meanwhile the Men of Pennsylvania will hold them-  
selves in readiness for prompt compliance with the  
necessary demand upon their Gallant and Patriotic  
Spirit.

Our noble Commonwealth has never yet faltered  
and must stand firm now when her Honour and every  
thing that is dear to her is at Stake.

Given under my Hand and the Great Seal of the  
State at Harrisburg, this Fourth day of July in the  
year of our Lord one thousand eight hundred and



In the Thirteenth District composed of the Counties of Bradford, Wyoming, Sullivan, Columbia and Montour, Henry W. Tracey has been duly elected. In the Fourteenth district composed of the Counties of Northumberland, Union, Snyder, Juniata and Dauphin, William H. Miller has been duly elected. In the Fifteenth District composed of the Counties of Cumberland, York and Perry, Joseph Bailey has been duly elected. In the Sixteenth District composed of the Counties of Adams, Franklin, Fulton, Bradford and Somerset, Alexander H. Coffroth has been duly elected. In the Seventeenth District, composed of the Counties of Cambria, Blair, Huntingdon and Mifflin, Archibald McAllister has been duly elected. In the Eighteenth District composed of the Counties of Centre, Clinton, Lycoming, Tioga and Potter, James T. Hale has been duly elected. In the Nineteenth District, composed of the Counties of Erie, Warren, McKean, Forest, Elk, Cameron, Jefferson, and Clearfield Glenni W. Scofield has been duly elected. In the Twentieth District composed of the Counties of Crawford, Venango, Mercer and Clarion Amos Myers has been duly elected. In the Twenty-first District composed of the Counties of Westmoreland, Indiana and Fayette, John L. Dawson has been duly elected. In the Twenty-second District composed of that part of Allegheny County South of the Ohio and Allegheny Rivers including Nevil Island, James K. Moorhead has been duly elected. In the Twenty-third District composed of that part of Allegheny County North of the Ohio and Allegheny Rivers and of the Counties of Butler and Armstrong, Thomas Williams has been duly elected, and in the Twenty-fourth District composed of the Counties of Lawrence, Beaver, Washington and Greene, Jesse Lazear has been duly elected.

Now therefore I Andrew G. Curtin, Governor as aforesaid have issued this my Proclamation hereby



publishing and declaring that Samuel J. Randall, Charles O'Neill, Leonard Myers, William D. Kelly, M. Russel Thayer, John D. Stiles, John M. Broomall, Sydenham E. Ancona, Thaddeus Stevens, Myer Strouse, Philip Johnson, Charles Denison, Henry W. Tracey, William H. Miller, Joseph Bailey, Alexander H. Coffroth, Archibald McAllister, James T. Hale, Glenni W. Scofield, Amos Myers, John L. Dawson, James K. Moorhead, Thos. Williams, and Jesse Lazear have been returned as duly elected in their several Districts before mentioned as Representatives in the Congress of the United States for the term of Two years to commence from and after the Fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this Eleventh day of December in the year of our Lord one thousand eight hundred and sixty two and of the Commonwealth the eighty-seventh.

A. G. CURTIN.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving.—1862.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylv-  
ia, ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

## A PROCLAMATION.

Whereas, It is a good thing to  
render thanks unto God for His Mercy  
and loving kindness:

Therefore, I Andrew G. Curtin Gov-  
ernor of the Commonwealth of Penn-  
sylvania, do recommend that Thurs-  
day the 27th day of November next,  
be set apart by the people of this Common-  
wealth, as a day of solemn Prayer and Thanks-  
giving to the Almighty:—Giving Him thanks  
that He has been graciously pleased to pro-  
tect our free institutions and Government, and  
to keep us from sickness and pestilence; and to cause  
the earth to bring forth her increase, so that our  
garners are choked with the harvest; and to look so  
favorably on the toil of His children, that industry  
has thriven among us and labor had its reward; and  
also that He hath delivered us from the hands of our  
enemies, and filled our officers and men in the field  
with a loyal and intrepid spirit and given them vic-  
tory; and that He has poured out upon us (albeit un-  
worthy) other great and manifold blessings:

Beseeching Him to help and govern us, in his stead-  
fast fear and love, and to put into our minds good  
desires, so that by His continued help we may have  
a right judgement in all things:

And especially praying Him to give to Christian  
churches grace to hate the thing which is evil, and



to utter the teachings of truth and righteousness, declaring openly the whole counsel of God:

And most heartily entreating Him to bestow upon our Civil Rulers, wisdom and earnestness in council, and upon our military leaders zeal and vigor in action, that the fires of rebellion may be quenched, that we, being armed with His defense, may be preserved from all perils, and that hereafter our people, living in peace and quietness, may, from generation to generation, reap the abundant fruits of His mercy; and with joy and thankfulness praise and magnify His holy name.

Given under my Hand and the Great Seal of the State at Harrisburg, this twentieth day of October in the year of our Lord one thousand eight hundred and sixty two, and the Commonwealth the eighty-seventh.

By the Governor:

Eli Slifer,  
Secretary of the Commonwealth.

Annual Message to the Assembly.—1863.

Executive Chamber,  
Harrisburg, January 7, 1863.

Gentlemen:—

**N**OTWITHSTANDING THE PRESSURE OF PUBLIC calamity which has weighted heavily on the the country during the past year, it has pleased Divine Providence not only to enable the people of Pennsylvania to perform in full all their duties to our common government, but to give to this Commonwealth domestic peace, plenty and prosperity.

The balance in Treasury November 30th,

1861, was, .....\$1,551,605 72

Receipts during fiscal year ending November 30, 1861, were as follows:—



Ordinary sources, .....	\$4,047,822 39	
6 per cent. loan act May 15, 1861, .....	387,850 00	
From various banks as an equivalent for coin for the payment of interest on public debt, .....	140,768 30	
Refunded cash, military, ..	29,566 42	
United States Government,	605,740 52	
	<hr/>	5,211,747 63

Total into Treasury for fiscal year ending Nov. 30, 1861, .....	6,763,353 35	
And the payments have been as follows:		
For ordinary purposes, ...	\$3,083,110 06	
Paid on State interest as an equivalent for coin, .....	146,631 22	
Military expenses, act April 12, 1861, .....	7 62	
Military expenses, act May 15, 1861, .....	460,548 68	
Military expenses, act May 16, 1861, .....	1,217 26	
Military expenses, act April 16, 1862, .....	20,607 04	
Military Pensions, act May 15, 1861, .....	400 54	
Commissioners of Sinking Fund, .....	427,881 51	
Domestic creditors, .....	105 32	
Temporary loan redeemed, United States Government direct tax, .....	100,000 00 350,000 00	
	<hr/>	4,590,509 25

Leaving balance in Treasury Nov.

30, 1862, ..... 2,172,844 10



Of which amount one hundred and ninety-five thousand five hundred and seventy-six dollars and twenty-seven cents is the balance of unexpended military loan, as follows:

Balance of said fund November 30, 1861, .....	\$390,507 41	
Receipts under act May 15, 1861, .....	387,850 00	
	<hr/>	778,357 41
Paid for military expenses as above, .....	482,781 14	
Paid for redemption of temporary loan, .....	100,000 00	
	<hr/>	582,781 14
		<hr/>
		195,576 27

Receipts from ordinary sources:

For year ending Nov. 30, 1862, .....	\$4,047,822 39
For year ending Nov. 30, 1861, .....	3,017,645 57

Excess of receipts for 1862, .....	1,030,176 82
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Payments for ordinary purposes, excepting interest:

For year ending November 30, 1861, ....	\$1,118,662 93
For year ending November 30, 1862, ....	1,023,345 77

Decrease in expenditures of 1862,	95,317 16
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From the tables exhibited it will appear that the receipts from ordinary sources of revenue for the year 1862, are in excess of the receipts of the year 1861, one



million thirty thousand one hundred and seventy-six dollars and eighty-two cents, [the excess of interest paid in 1862 over that in 1861 being \$144,095 37] and that the ordinary expenditures for 1862 were ninety five thousand three hundred and seventeen dollars and sixteen cents less than the year previous.

The healthy condition of the revenues, and the excess of the receipts over the expenditures, secured by the rigid economy which has been practiced, (especially considering the necessary increase of taxation by the National Government,) seem to invite the attention of the Legislature to a revision of the revenue laws, with a view to lightening the burthens of the people. In this connection it is proper to invite your attention to the justice and expediency of restricting the rate of local taxation, now, in some parts of the State, oppressive.

Amount of public debt of Pennsylvania, as it stood on the 1st day of December, 1861, .....	\$40,580,666 08
Additional amount received at the State Treasury during the fiscal year ending Nov. 30, 1862, on Military Loan author- ized per act of May 15, 1861, .....	387,850 00
	<hr/>
	40,968,516 08

Deduct amount redeemed at  
the State Treasury during  
the fiscal year ending Nov.  
30, 1862, viz:

5 per cent. State stocks, ...	\$268,809 49
4½ per cent. State stocks, ..	50,000 00
4 per cent. State stocks, ...	100,000 00
Interest certificates, .....	17 25
Relief notes, .....	1,411 00



Domestic creditors' certificates, .....	64 52	
Military loan, per act of April 12, 1861, redeemed, 100,000 00		
		<u>520,302 26</u>

Public debt December 1, 1862, .....40,448,213 82

Towards the extinguishment of the public debt, the Sinking Fund holds securities amounting to ten millions seven hundred and eighty-one thousand dollars, as follows:

Bonds of Sunbury and Erie Railroad Company, .....	\$3,500 000
Bonds of Pennsylvania Railroad Company, .....	7,000 000
Bonds of Wyoming Canal Company, .....	281 000
	<u>10,781 000</u>

Should there be no extraordinary demand on the Treasury, there can be appropriated from the large balance now on hand and the increasing revenues, at least a million and a half dollars during the coming year towards the payment of the public debt.

The operations of the Sinking Fund during the last year have been, as shown by my Proclamation of the 8th of September last, as follows:

Amount of debt of Commonwealth reduced, ..... \$262,801 67

As follows, viz:

State loans, .....	\$261,178 74
Interest certificates, .....	370 41
Domestic creditors' certificates, .....	64 52
Relief notes cancelled, ....	11 88
	<u>262,801 67</u>



It will be observed that the fiscal year ends on the thirtieth of November, and the Sinking Fund year on the first Monday of September. This is the reason for the apparent deficiency in the amount of debt paid as stated in the Treasurer's Report and by the Commissioners of the Sinking Fund.

Under the act of 11th April, 1862, I appointed William McClelland, R. B. McCombs and M. Russell Thayer, Esquires, as Revenue Commissioners, who have printed a report, and will no doubt submit the result of their labors to the Legislature, to which I invite attention.

I refer to the reports of the State Treasurer and Auditor General for the details of the financial affairs of the Commonwealth. The reports of the Surveyor General, Superintendent of Common Schools, and State Librarian will exhibit the state of the departments under their care.

In accordance with the Act of 10th February, 1862, the quota of this State of the direct tax of the United States, amounting to one mill on nine hundred and forty-six thousand seven hundred and nineteen dollars and thirty-three cents, was on the 14th June, 1862, paid to the United States, partly by a relinquishment of a portion of the sums claimed by this State from the Government and partly in cash, after deducting the fifteen per cent. allowed by the act of Congress for prompt payment. Pennsylvania thus paid her quota of the direct tax before any other State. There is still due to the State, principally for advances since made for transportation and equipments of volunteers, about three hundred thousand dollars.

On the 20th of February last, I issued my warrant authorizing the State Treasurer to deliver to the Philadelphia and Erie Railroad company one thousand of the bonds deposited with the State in conformity with the Act of May 7, 1861. On the 20th of Novem-



ber I issued a similar warrant. Both warrants were granted after receiving reports from John A. Wright, Esq., the commissioner appointed for the purpose, that the proceeds of the bonds previously issued had been appropriated in accordance with the provisions of the law. The company has now received three of the five millions of bonds deposited in the State Treasury. With the proceeds of the bonds issued, fifty-two miles of road have been completed, making with what had formerly been finished, a total of one hundred and ninety-nine miles, leaving eighty-nine miles unfinished, of which, nearly all is graded and ready for the iron. The bonds still in the Treasury will yield an amount ample to complete the road, and thus open this important route of trade and commerce. The development of the vast mineral and other resources of our north-western counties by this means, will undoubtedly in a few years render valuable the securities of the Sunbury and Erie Railroad Company, now forming part of the Sinking Fund of the Commonwealth.

The interest on the State debt was paid in August last in specie or its equivalent, in conformity with the existing law, at the cost of one hundred and forty-six thousand six hundred and thirty-one dollars and twenty-two cents for the difference between specie and paper currency, of which the banks under the provisions of the Act of 11th April, 1862, have already refunded to the State, one hundred and forty thousand seven hundred and sixty-eight dollars and thirty cents.

This burden on the banks has become heavier than in my judgment ought to be borne by any special interest.

Unless the Legislature should otherwise provide, it will be the duty of the State Treasurer to pay in like manner the interest which will fall due here-



after. We should all be careful not to violate the faith or impair the credit of the Commonwealth. The serious and early consideration of the Legislature is invited to the whole subject.

In my opinion there are already more incorporated banks in the Commonwealth than are at present required for the public convenience, and I therefore recommend that no more shall be incorporated.

On the 7th of July last, a call was made by the President for three hundred thousand volunteers. This State had already supplied nearly one hundred and ten thousand men, yet her people promptly bestirred themselves to respond to this new requirement. Although it was believed that no bounties would be necessary to induce the men of Pennsylvania to enter the service of their country on such an occasion, yet as some of the neighboring States offered large bounties, it was thought not right to expose our citizens to the temptation thus afforded to enlist in regiments of other States. There being no appropriation for the payment of bounties, I, of course, could not direct them to be paid out of the Treasury, and it was evident that to call the Legislature together and wait for the negotiation of any loan which might be authorized for the purpose, would be attended by injurious delay. Under these circumstances I confidently appealed by proclamation to a people who have never faltered in the performance of any duty of patriotism, calling on them to raise in their several counties, the sums necessary to insure their proportion of the quota of the State.—This appeal was effectually answered. Public meetings were held, and liberal amounts subscribed by individuals. In the city of Philadelphia, besides a very large fund raised, the municipal authorities contributed heavily from their common treasury, and in several counties the county commissioners, generally under the guarantee of a few of their emi-



nent citizens, devoted county funds to the same purpose. I recommend that these proceedings be legalized, and submit to the wisdom of the Legislature the question of what legislation would be just and proper on the whole subject that the burden of this patriotic effort may fall equally on all classes of people throughout the State.

The result of this manifestation of public spirit was that thirty-eight new regiments and three unattached companies of infantry were raised; four other regiments, which, previous to this call, had been authorized by the War Department to be raised are still in progress of organization.

On special requisitions from the War Department there have been raised and are now in service five additional regiments, and three companies of cavalry, two batteries of heavy artillery, and one battery of light artillery. A battalion of heavy artillery is being raised by Maj. Joseph Roberts, U. S. A., with my assent, also under special authority of the War Department.

Early in September last the rebel army crossed the Potomac into Maryland, with the design of invading this State. On the 4th of that month I called upon the people by Proclamation to organize into companies and hold themselves in readiness to be ordered into actual service for the defence of the State. And on the 11th of that month, under authority of the President, I issued orders for fifty thousand volunteer militia, to rendezvous at Harrisburg, for the defence of the State. This call was promptly responded to, and a large force was sent forward to the Cumberland valley and its vicinity. The first part of this force consisting of one regiment and eight companies of infantry, moved from Harrisburg on the night of the 12th of September, and were followed by other regiments as rapidly as they could be organized



and transportation provided. The command of the whole force was taken by Brig. Gen. John F. Reynolds, who left his corps in the Army of the Potomac at my urgent request, and hurried to the defence of his native State, for which he is entitled to the thanks of the Commonwealth. Fifteen thousand of the Volunteer Militia were pushed forward to Hagerstown and Boonsboro', in the State of Maryland; ten thousand were posted in the vicinity of Greencastle and Chambersburg; and about twenty-five thousand were at Harrisburg, on their way to Harrisburg, or in readiness and waiting for transportation to proceed thither. One regiment, at the request of Gen. Halleck, was sent to protect Dupont's Powder Mills, in the State of Delaware. On the 24th of September the Volunteer Militia were discharged by me from service, having by their spirited demonstration greatly aided in preventing the intended invasion of this State by the rebels, and in compelling their sudden evacuation of the portion of Maryland which they had polluted. For these services the thanks of the Governor of Maryland and of the Commander of the Army of the Potomac were rendered to our patriotic troops through me. Measures have been taken to procure the payment in full of these troops, and of the expenses attending their services by the United States, in accordance with the terms of the call by the President. A large portion of the amount has already been paid. Having accompanied this force to Hagerstown, I am enabled to speak of the courage, fidelity and cheerfulness with which the men suffered unaccustomed privations, and bore the fire of the rebel force, performing with alacrity all the service that was required of them.

On the 4th of August last, a draft of three hundred thousand militia, to serve for nine months, was ordered by the President, under the act of Congress of 17th of July, 1862, and regulations were made by his



authority in pursuance of that act, under which regulations the enrolment and draft were conducted in this State, our militia laws being found to be defective. Several counties and districts having already supplied by volunteers their proportion of the quota of this State, were exempted from the draft, and time was given to enable others to raise the required number of men by voluntary enlistments. The draft was generally proceeded with throughout the State on the 16th day of October last, and the drafted men were directed to be placed in the several camps of rendezvous established under the regulations, where they were organized, and elected their officers, and have since gone forward to the army in the field. The draft was eminently successful, and when the men had been marched to the rendezvous, my agency in the matter ceased, and all authority and control over the men devolved on the United States Officers. I cannot but commend the people of Pennsylvania for their cheerful obedience to the requirements of the Government on this occasion. All the expenses of the draft, are, of course, to be paid by the United States, and I learn that officers are now in the State charged with the settlements and payments.

Including the three months volunteers, Pennsylvania has furnished to the general government more than two hundred thousand men since the breaking out of the rebellion, besides some fifty thousand who were in service, or actually ready for it, as volunteer militia, under the call of 11th September last, making in the whole more than two hundred and fifty thousand men.

In October last, a body of rebel cavalry with a battery of artillery, suddenly crossed the Potomac, and made their way as far as Chambersburg, plundering what they found of supplies useful to them and committing other depredations. They went out of the



State by crossing the South Mountain, and thus reaching the Potomac below Harper's Ferry. The troops in the field were not prepared at the moment to punish this attempt on her soil, and it is to be much regretted that efficient measures could not have been taken by the army to capture the rebels on their return to the Potomac. Immediately after I received notice that this force had crossed the line of the State, I called into service the Anderson Cavalry, then encamped at Carlisle, and two companies of Regulars at the Barracks at that place. These troops were pushed forward in the direction of Chambersburg and South Mountain. The cavalry at Camp Curtin, consisting of one full and two imperfect regiments, were armed as infantry, and, together with two companies of infantry and a battery of volunteer light artillery of Harrisburg, were held in readiness to go forward, when Major General Wool arrived and assumed the command of all the forces. He had previously ordered part of his command from Baltimore and marched the troops to Gettysburg.

The rebels marched with so much celerity that they did not encounter any of the forces of General Wool, and escaped from the State. I recommend that application be made to Congress for an appropriation to compensate our citizens for the damages which they suffered by the raid.

On the two emergencies to which I have referred, I acknowledge valuable counsel and assistance from Brigadier General Andrew Porter, of the United States Army, who thus testified his affection for his native State, and zeal in her service when threatened. And on the same, and other occasions, I am indebted to Colonel Thomas A. Scott, Colonel John A. Wright, and Colonel John B. Parker, members of my Staff, who came promptly on my summons and served with their accustomed zeal and fidelity, without pecuniary compensation.



The militia law of this State is greatly defective, and I earnestly recommend the appointment of a commission to prepare and submit an efficient system, to be reported before the adjournment of the Legislature, so that action may be had on the subject at the present session. In the hurry of ordinary business the Legislature might not be able to give the necessary attention to the preparation of a proper measure, and events which have already occurred prove the necessity of some effectual legislation on the subject, so that our people may be adequately protected.

The State is in possession of the following ordnance, arms and ammunition:

63 pieces of artillery, of which 22 need repairs.

2 batteries of new cannon, consisting of 12 Griffin rifled cannon, 6 pounders, 2 caissons and 2 battery wagons, presented to the State by the Committee of Safety of Philadelphia in September last.

26,492 muskets and rifles, of which 11,614 are ready for issue, 4,460 in the hands of mechanics for repairs, and the balance, having been used by the militia called out in September last, require cleaning.

12,247 setts infantry accoutrements complete.

1,298 swords and sabres.

684 pistols.

1,938 rounds artillery ammunition.

1,522,000 rounds ammunition for small arms.

The following arms, accoutrements and ammunition have been furnished according to law to the border counties, and to volunteer organizations formed under the Militia Act of 1858:

5,840 muskets and rifles with accoutrements complete, were issued to and are now in possession of border counties.

4,958 muskets and rifles, and 2,041 setts of accoutrements issued to and now in possession of organized companies. Also



80,000 rounds of ammunition issued to border counties and organized companies.

1,755 muskets and 895 setts of accoutrements, were issued to Colonel's Brown' and Glantz's regiments on going into service.

32 pieces of artillery, issued to First Pennsylvania Artillery, Colonel Charles T. Campbell, commanding, on going into the service.

528 sabres, 1,056 pistols and 528 setts of accoutrements, issued to organized cavalry companies.

Showing an aggregate of

107 pieces of artillery.

39,045 muskets and rifles.

1,740 pistols.

1,826 sabres.

22,203 setts of infantry accoutrements.

528 setts cavalry accoutrements.

1,603,938 rounds of ammunition.

In addition to the above, the following military property of the city of Philadelphia is reported by the "Home Guard of the city of Philadelphia," to be in its possession, viz:

6 20-pounder Parrot rifled guns.

2 10-pounder Prussian rifled guns.

1 10-pounder English rifled gun.

12 caissons for 20-pounder Parrot rifled guns.

2 caissons for 10-pounder Prussian rifled guns, with tools and stores.

1 12-pounder rifled howitzer, Dahlgreen.

1 12-pounder howitzer, 750 lbs., Dahlgreen.

2 field carriages for ditto.

2 small 12-pounder howitzer guns, with carriages, tools and stores.



- 1 12-pounder rifled howitzer, Dahlgreen.
- 1 12-pounder rifled howitzer, 750 lbs., Dahlgreen.
- 2 field carriages for ditto.
- 2 small 12-pounder howitzers, with carriages, tools and stores.
- 195 saddles.
- 127 saddles, with traces, breast strap, &c.
- 68 saddles, incomplete.
- 2,296 muskets and rifles.
- 200 pistols and 124 holsters.
- 1,997 rounds of shot and shell.
- 672,884 rounds musket and rifle cartridges.

The foregoing does not include the arms and equipments that have been issued to the several regiments of the Home Guard, and which are in their possession.

For the details of military operations and of statistics, I refer you to the reports of the Adjutant General, Quartermaster General, Commissary General, Surgeon General, and the Chief of Transportation, which accompany this message.

In regard to the election of officers in the Reserve Corps, and the recruitment of the regiments of that corps, and of our other gallant regiments of volunteers, I propose to send a special message in a few days, as I desire to treat these subjects somewhat at large, and to submit to the Legislature some documents relating to them.

By the thirteenth section of the act of May 15, 1861, I was authorized to draw my warrants on the treasury for a sum not exceeding twenty thousand dollars, for compensation to such persons as might be required to serve the country in a military capacity. At the date of my last annual message, I had drawn from the treasury eight thousand five hundred dollars, and had paid out up to the first of December, 1861, six thou-



sand four hundred dollars, when my account was settled. Since that time I have drawn two thousand dollars from the treasury, part of which, with the balance in my hands, has been expended in the payment of members of my personal staff in service when I required assistance, and in procuring information, and to persons employed when the State was threatened with invasion in September, 1862, and during the raid in October last.

An account of these expenditures will be found on file in the office of the Auditor General.

Under the act of 20th April, 1858, it is my intention to take early measures for the sale of the powder magazine in the city of Philadelphia. The powder magazine at Harrisburg is not judiciously located. A State powder magazine ought, in my judgment, to be erected on a suitable site in the vicinity of this place, and I recommend the attention of the Legislature to the subject.

In September last two batteries of rifled cannon were presented to the Commonwealth by a committee of citizens of Philadelphia, through S. V. Merrick, Esq., which are now in the Arsenal in that city. I recommend that provision be made for procuring carriages, caissons and other equipments for them. The liberal donors are entitled to the thanks of the Commonwealth for their patriotic gift.

Under the joint resolutions of 28th of February, 1862, measures were promptly taken for the relief of our sick and wounded men in the field.

The wounded at Winchester, Strasburg, Front Royal, Williamsburg and Fair Oaks, and those in the corps of Major Gen. Banks were duly attend on the field or in the vicinity by Surgeon General Smith and a corps of surgeons under his direction, and were brought into this State. The same system would have been continued, but in June last, I received a letter



from the Surgeon General of the United States, representing that it was found inconvenient to the service, and must create difficulties in the regular identification of the soldiers for pay and pensions.

In compliance with his views, I was reluctantly obliged to discontinue the system, but I have not ceased to urge on the War Department the propriety of sending our sick and wounded into the State, where they can be nursed and cared for by their friends, and have to say that at length such an arrangement was made with the authorities at Washington, which it was hoped would be effective, but there has been such tardiness in putting it into practical operation, that I recommend the Legislature to invite the attention of the War Department to the subject. Our suffering men have a right to the sympathy and aid of their State, to be so rendered as not to injure the service. If the bringing them home to be attended could produce even inconvenience to that, I would not urge it. But it is cruel to leave them to the care and (I regret to say it) frequently to the neglect, or worse, of strange officials, at points in the immediate vicinity of all the abundant comforts which the solicitude of their families and friends would rejoice to provide for them.

In addition to the expenses of attending and bringing home our sick and wounded as above stated I have expended less than \$4,000 in the transportation of friends of sick, killed or wounded volunteers, and other persons sent by me for their care to the several battle-fields and hospitals, and in bringing home for interment the bodies of those slain. The whole expense incurred under the joint resolution was five thousand one hundred and nineteen dollars and eighty-three cents, the details of which will be found in the report of the Surgeon General and of the Chief of Transportation.



I have uniformly, when applied to, allowed the expense of transportation of one person to the field to bring home the body of his friend or relation, and the expense of his return with the body. The cost of this has not exceeded \$600, which is included in the sum of less than \$4,000, above stated.

In this connection I must speak with applause of the active benevolence of our citizens, who have without compensation devoted their time and care to their suffering fellow citizens, disabled by the casualties of war. Not only have many gone to the field, to administer their kind offices, but in every part of the Commonwealth thousands have applied their means and exertions to the same end; and especially have the women of Pennsylvania, obeying their true womanly instincts, shown that they are worthy to be the mothers, wives and sisters of the brave men, whom they have stimulated to their duty, and soothed and nursed in the sufferings that have ensued the performance of it.

The city of Philadelphia having patriotically offered to the United States, League Island, as a donation for a Navy Yard, Congress directed a commission to report upon the availability of that site and also of New London. To the general astonishment, a majority of the commission have reported in favor of New London, but the minority has presented a report, which is fortified by the approval of the Secretary of the Navy, showing so conclusively the superiority of League Island that it is scarcely possible that Congress should hesitate to select that location. To establish a Navy Yard for the construction of iron clad vessels at a point remote from all necessary supplies, situated on salt water, and accessible by more than one route to any enemy, who may have a momentary superiority at sea, would appear to be quite inconsistent with the wisdom of Congress, especially when a



site is offered convenient to iron, coal and other necessary supplies, situated on fresh water with a sufficient depth for the draught of large vessels, and safe from hostile attack by its position.

Capt. Henry E. Wrigley, of the city of Philadelphia, at my request, and without compensation, has made a report to me on the defences of the Delaware, which I herewith transmit for information.

In July last, I received, at Pittsburg, by telegraph, an offer from the Pennsylvania Railroad Company, of a donation of fifty thousand dollars to assist in paying bounties to volunteers. I declined this offer, because I had no authority to accept it on behalf of the public, and was unwilling to undertake the disbursement of the fund in my private capacity. I have since received a letter on the subject from the Company, suggesting other modes of disposing of the money, a copy of which is annexed to this message.

If the Legislature should accept the donation, I recommend that it be applied towards the erection of an asylum for our disabled soldiers, and that the trustees appointed to superintend the erection and management of the asylum be authorized to accept such further contributions as our citizens may offer. In a well managed establishment of that kind, it is probable that the pensions to be allowed by the Government to the men, will enable them to support themselves with comfort. By an act of Congress passed on the 2d day of July, 1862, lands were granted to the several States for the endowment, support and maintenance by each State, of at least one college, for teaching such branches of learning as are related to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics.

I recommend that proper provision be made by the Legislature for having the lands thus granted to this



State selected, and the title made to the State, and that Congress be requested to allow the lands and their proceeds to be used by the State in the construction and support of such an asylum as I have above suggested.

The details of the operation of the common school system, during the school year that terminated on the first Monday in June, 1862, manifest scarcely any evil effects from the troubled state of the country. Absence of the usual degree of progress in the various departments is the only result observable. To have held its own, however, during the severe ordeal to which, in common with all our great social interests and enterprises, it has been subjected, is the strongest proof of its inherent vigor, and of the hold it possesses upon the affections as well as the judgment of the people of the State.

It has come to my knowledge that in some parts of the State a system exists of paying the wages of workmen and laborers not in money but in orders on storekeepers for merchandise and other articles. This system, by preventing all competition, leaves the men to the uncontrolled discretion of the storekeepers. It is a system most unwise and unjust, and it affects classes of useful citizens, who, as they live by the proceeds of their daily labor, have not adequate means to resist it. I have no doubt that most of the difficulties which occasionally occur between employers and their workmen are due to the prevalence of this system. That every man, for a fair day's labor, should receive a fair day's wage, is but the dictate of common honesty; and while it would be most unwise for the State to interfere at all with the rate of wages, it is in my judgment incumbent on her to protect her laboring population by requiring that whatever may be the wages stipulated, they shall be so paid that the recipient may purchase necessities for himself and his



family, where they can be had best and cheapest. I do most earnestly recommend this subject to the Legislature for prompt and effectual action.

I believe that the several charitable institutions to which the Legislature has been accustomed to grant aid, have been well managed during the past year.

The Wyoming canal is still in the hands of the receiver. Certain creditors of the company having instituted proceedings in the Supreme Court for selling the canal under the mortgage, the Attorney General has intervened in the suit to oppose the making of a decree of sale. No decree has been made, and the proceedings are yet pending. Meanwhile, it being alleged that the subscribers and stockholders have paid up but a small part of the nominal capital of the company, an information has been filed in the Supreme Court by the Attorney General, to compel them to pay up the capital, or such charges, and assessments as may be necessary to extinguish the debt due to the Commonwealth. This proceeding is also still pending. It is understood that the gross receipts of the canal during the last season have been about one hundred and thirty thousand dollars and the annual interest on the mortgage bonds of the company a little over fifty one thousand dollars.

In pursuance of the joint resolution passed 11th April, 1862, the Attorney General has instituted proceedings on the proper cashier's bonds to recover the money due to the Commonwealth by the Bank of Commerce at Erie, and I have employed John H. Walker, Esq., as special counsel for the Commonwealth, in the prosecution of the officers of the bank in the Court of Quarter Sessions of Erie county.

In accordance with the provisions of the act of 6th May, 1862, an information in equity was filed by the Attorney General against the Delaware and Hudson Canal Company, and the Pennsylvania Coal Company.



The case was argued before the Supreme Court at Sunbury, in October last.

By an act passed on the 16th day of May, 1861, a company was incorporated by the name of the Navy Yard, Broad Street and Fairmount Railway Company. It being alleged that the company, instead of making a railway on the route and in the manner prescribed by its charter, is constructing a railroad of a different character, by a route extending from the Philadelphia, Wilmington and Baltimore Railroad depot, to the Philadelphia and Trenton Railroad depot, both within the city of Philadelphia, the Attorney General has proceeded against the company by quo warranto for the violation of its charter, and has also filed an information for the purpose of restraining the company from proceeding in the construction of their road. Both these proceedings are now pending.

By the act of 29th March, 1813, it was provided that citizens absent from home in actual military service, might exercise their right of suffrage as if they were present at the usual places of election. This act was substantially re-enacted in the general election law passed on the 2d of July, 1839. The Supreme Court has recently decided that by reason of a phrase in the constitutional amendments of 1838, this provision has become unconstitutional. Pennsylvania has sent to the service about two hundred thousand citizens, who, by this decision, are disfranchised. This seems to be hard measure—that men who testify their devotion to the country by going to the field should thereby lose the most inestimable right of a citizen. I recommend that the necessary steps be forthwith commenced to amend the constitution, so as to give the right of suffrage to the citizens who are thus excluded.

I cannot close this message without speaking of the unbroken loyalty and spirit of the freemen of Pennsylvania. They feel that on the preservation of the Union



and suppression of the most causeless and wicked rebellion which history records, depend the honor, the interests and the whole future welfare of the Commonwealth. They will never tolerate schemes for destroying the Government of the United States, or for forming separate Confederacies, or any other schemes for creating general confusion and ruin, and aiding and comforting the traitors who are in arms against their country.

This State has furnished more men for the defence of our institutions, and has lost more by the casualties of war, than any other State. She has given her blood and treasure freely, and is ready to give as much more of both as may be needful. Her people intend that by the blessing of God, this rebellion shall be suppressed, and will not be turned from their settled purpose by the wiles of masked enemies or the vacillations of feeble friends. On the contrary, they will, (as is their right,) insist that competent Integrity, Earnestness, Intellect and Vigor shall be employed in the public service, to preserve the Government, and to maintain the unity of the country.

A. G. CURTIN.



Proclamation Cancelling on Account of Forged and  
Fraudulent Evidence a Pardon Granted to One J.  
Buchanan Cross, a Convicted Forger.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Whereas on the third day of June  
last a Patent of Pardon was made  
under the Great Seal of the Common-  
wealth for the pardon of one J. Buchan-  
an Cross convicted of the crime of forg-  
ery and then undergoing his sentence  
in the Eastern Penitentiary; And Whereas the said  
Patent of Pardon was not enrolled but was by my  
authority placed in the hands of William Millward,  
Marshall of the United States for the Eastern District  
of Pennsylvania with the express stipulation volun-  
tarily offered by him that it should not be communi-  
cated or delivered to the said Cross until after he  
should have performed the service indicated by the  
letter herein mentioned purporting to be written by  
the Assistant Secretary of War. And Whereas on the  
next day information was received showing that the  
said letters purporting to be written by the Assistant  
Secretary of War and by means whereof the said  
pardon had been obtained were not genuine but were  
false and fraudulent forgeries and simulations by one  
of which the petitioners for said pardon had been de-  
ceived and induced to sign the petition for said pardon.

Whereupon the said Millward was by my authority  
forthwith directed to return the said Patent to the



Secretary of the Commonwealth which was afterwards done and the same has since remained in the possession of said Secretary. And Whereas the said Cross as I am informed has sued out a writ of Habeas Corpus claiming to be discharged from the Penitentiary on the allegation that he has been pardoned.

Now therefore I, Andrew G. Curtin Governor of the said Commonwealth do hereby expressly prohibit the delivery of said Patent of Pardon to the said Cross and do declare the same to be null and void and of none effect and order it to be cancelled by the Secretary of the Commonwealth without enrolment by reason of the making thereof having been obtained by means of forgery and false suggestions as above stated.

Given under my hand and the Great Seal of the State at Harrisburg this seventh day of January in the year of our Lord one thousand eight hundred and sixty three and of the Commonwealth the Eighty seventh.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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To the Assembly Vetoing "A Further Supplement to an Act Entitled 'An Act to Incorporate the City of Philadelphia,' Relative to City Ordinances."

Executive Chamber,

Harrisburg. January 8, 1863.

Gentlemen:—

[ RETURN HEREWITH TO THE SENATE, IN which it originated, the bill, entitled "A further supplement to an act, entitled 'An act to incorporate the city of Philadelphia,' passed the eleventh



day of March, Anno Domini, one thousand seven hundred and thirty-nine, relative to city ordinances," with my objections to the same.

This bill provides in effect that all ordinances and joint resolutions passed by the municipal government of the city of Philadelphia, as constituted by the consolidation act of 1854, shall be recorded in the office of the Recorder of Deeds, as was required by the Act of 1789, incorporating the city of Philadelphia. I am informed by the Mayor of the city that such a bill, if enacted into a law, would entail a large annual expense upon the city, without the least resulting advantage.

With this understanding of the effect of the bill, I have declined to sign it.

I annex to this message, a copy of the communication received by me from the Mayor on this subject.

A. G. CURTIN.

Office of the Mayor of the City of Philadelphia,  
December 18, 1862.

To His Excellency, A. G. Curtin, Governor of Pennsylvania:

Dear Sir—I am informed that an act of the last Legislature, requiring all ordinances and resolutions of the councils of this city to be recorded in the office of the Recorder of Deeds, is yet awaiting your approval and signature.

I have not the opportunity of referring to the bill in question, but I deem it my duty to express the opinion, if such be the purport of its provisions, that it is not called for by the public interests, and will entail a large annual expense upon the city, without the least resulting advantage. Full publicity is now given to all acts of councils by their advertisement, immediately after approval, in at least two daily newspapers; and their preservation is abundantly secured by publication in book form and distribution to members of the State and city governments, and by their deposit in the libraries of various institutions—as required by the forty-fourth section of the act of consolidation.

The seventeenth section of the act of March 11, 1789, incorporating the city of Philadelphia, as then bounded, which made null and void all laws, ordinances, regulations and constitutions made by the "Mayor, Recorder, Aldermen and Com-



mon Councilmen in Common Council assembled," unless published and recorded as therein required, is clearly inapplicable to the legislation of the present city councils, and has not been construed in force by virtue of the act of consolidation.

The distribution of copies of the ordinances of councils directed by the forty-fourth section of the act of 1844, fulfils all the objects of recording such laws which was designated to be secured by the act of 1789.

The ordinances of 1861 fill 362 pages—those of 1858, 528; the average contents of the nine volumes, inclusive of that for the current year, being about 400 pages respectively.

Certified copies of particular ordinances can at any time be obtained from the clerks of councils, if needed as evidence in any case; and I am at a loss to discern any public benefit which will ensue from the approval of this bill, and therefore suggest that your signature be withheld.

I am, very respectfully,

ALEXANDER HENRY.

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To the Assembly Concerning Certain War Measures,  
with Correspondence Relating Thereto.

Executive Chamber, Harrisburg, Pa.,

January 12, 1863.

Gentlemen:—

**I**N THE ANNUAL MESSAGE WHICH I HAD THE honor to communicate to the Legislature, I said:

"In regard to the election of officers in the Reserve Corps and the recruitment of the regiments of that corps and of our other gallant regiments of volunteers, I proposed to send a special message in a few days."

The 24th section of the act of Assembly under which the Reserve Corps was organized, is in these words:

"Section 24. That the several companies and regiments composing said volunteer corps shall be entitled to elect, and the Governor shall commission, officers



similar in number and rank to those allowed like troops in the army of the United States: Provided, That the Governor shall have power to appoint and commission chaplains for said corps, and to designate their rank."

And the act of Congress under which the volunteer forces were received into the service of the United States contains this provision:

"The vacancies in this force shall be filled by the Governors of the respective States in the same manner as the original appointments were made."

In accordance with these enactments, the officers of the Reserve Corps, at its organization, were duly elected and commissioned. After they had gone into the field, upon vacancies occurring, certificates of election were forwarded and commissions issued thereon until some time in July last, when an order was issued from the division headquarters, directing that thereafter elections should not be held. The reason assigned for this, as I understand it, was that it demoralized the corps and prevented, in some instances, the deserved promotion of those who had won, by their gallantry in the field, such distinction. Lists of promotions made by the colonels of regiments, with the approval of the commanding generals, were forwarded to me, and feeling anxious that those who had been promoted should be commissioned at once, I asked the advice of the Attorney General, who, after examination, expressed his opinion (in which I concurred) that the officers could not be commissioned under the existing laws without elections having been held. It was therefore illegal for me to issue the commissions.

Matters remained in this condition until the 10th of October, when, after the battles of Bull Run, South Mountain and Antietam, a list of promotions, rendered necessary by the casualties of those actions, was forwarded to me from the Head Quarters of the division,



through the commanding generals and the War Department, with the following endorsements, which fully explain themselves:

"Appointments for promotion in Division P. R. V. C.

Respectfully forwarded.

T. SEYMOUR,

Brig. Gen. Commanding Division.

September 29th."

Headquarters First Army Corps,

September 29, 1862.

"These nominations for promotions are respectfully forwarded. At the same time I think it proper to observe, that the position assumed by the Governor of Pennsylvania, that he cannot and will not appoint officers in the Pennsylvania Reserve Corps, without elections, is one that he sustained by the laws bearing on the subject. The act of Congress calling the volunteer force into service, says: 'The vacancies in this force shall be filled by the Governors of the respective States, in the same manner as the original appointments were made.' Now, the act of the Pennsylvania Legislature, under which the Reserve Corps was originally organized, required elections for appointments to fill vacancies; and under this law and the United States law, the Governor has decided he cannot appoint without elections. Whether it is competent for the United States to fill these vacancies, without regard to the State of Pennsylvania, is a question I do not pretend to discuss or decide.

GEO. G. MEADE,

Brigadier General."

Headquarters Army of the Potomac,

September 30, 1862.

"Respectfully forwarded to the Adjutant General, for reference to his Excellency, the Governor of Pennsylvania: As a matter of course, the appointments and promotions must be made according to law. But, in whatever mode they be made, it is of the last importance that they be made at once.

GEO. B. M'CLELLAN,

Maj. Gen. Commanding.

By S. S. Williams, A. A. G."



"Adjutant General's Office,  
October 6, 1862.

"Respectfully referred to his excellency, the Governor of Pennsylvania.

By order of the Secretary of War.

THOMAS M. VINCENT,  
Ass't Adj't General."

Again, on the first of December, I received the following letter from Brigadier (now Major) General George G. Meade, with the endorsement of the commanding generals and the War Department, which also explain themselves:

"Headquarters, Division P. R. V. C.,  
October 20th, 1862.

"Brig. Gen. S. S. Williams, A. A. G., Headquarters Army of the Potomac:

"General—Numerous nominations to fill vacancies in the several regiments of this division have been, from time to time, forwarded to the Headquarters, Army of the Potomac, but no appointments or commissions have been received in return.

"As the condition of affairs in reference to this matter is anomalous, and likely to lead to confusion and other evils unless settled on some permanent basis, I beg leave to submit the following statement for the information and action of the General Commanding, and, if necessary, the Department of War:

"The several regiments constituting this division form what was called, at its organization, the 'Pennsylvania Reserve Corps,' they having been organized by the State of Pennsylvania, under a special act of the Legislature, for the purpose of being held in reserve for the protection of the State border, the State having, at that time, filled her quota of the call of the General Government for volunteers.

"After the battle of Manassas, on a second call, this Reserve Corps was turned over to the United States, and duly mustered into service. The law under which this corps was received into service, is the act approved July 22, 1861, amended by section three of an act approved August 6th, 1861. This last section states on vacancies occurring in the volunteer forces called into service by the act in question, they shall



**GEORGE GORDON MEADE**  
of Pennsylvania.  
Major General in the United States Army.







be filled by the Governors of the respective States in the same manner as the original appointments were made! The original appointments in the Reserve Corps were made under the special act of the Legislature, organizing the corps, which required that the officers should be elected by the men before being commissioned by the Governor of the State.

For a long time (up to last June), all vacancies were filled by elections; the evils of this system, however, became so great (resulting, in one instance, in a regiment electing as Lieutenant Colonel an individual who had only a short time before been discharged from the service, by order of the President of the United States, as incompetent to perform the duties of Major of the same regiment), that the Department of War requested the Governor of Pennsylvania to appoint to the Reserve Corps, the same as to the other regiments from Pennsylvania where commissions were conferred on the nomination of Colonels and Brigadier Generals. The Governor, however, it is understood, replied he had not this power, and referred to the act of Congress requiring him to appoint in the same manner as the original appointments were made, and then to the act of the Legislature, where elections were required for the original appointments. The Governor also referred to the fact that he had requested the Legislature to repeal this provision of the original act, and that the bill had failed to pass both houses.

"I enclose herewith a copy of letter received by me last June, from the Adjutant General of the State, communicating the above.

"By special order No. 221, dated 'Headquarters Army of the Potomac, Camp near Harrison's Landing, Aug. 1, 1862,' numerous appointments in this division were made, 'subject to the approval of the Governor of Pennsylvania.' The individuals thus designated were duly mustered into the service of the United States, have been paid and recognized in their respective commissions; but there is no evidence on record at these Headquarters, nor is it believed any exists, of their appointments having been approved by the Governor of the State, nor have any of them received commissions to this day. Since this order, no appointments have been made, though many nominations have been transmitted to the Headquarters, Army of the Potomac, from whence, it is understood, they are forwarded to the Governor of the State, from whom no reply is received, he having defined his position. Under these circumstances, it becomes necessary either that the command-



ing General or the Department of War assume the authority to appoint to fill vacancies in this corps independent of the Governor of the State, or that a return be had to the system of elections, till such time as either Congress or the State Legislature shall see fit to amend existing acts, which I have to state, in my judgment, now compel elections.

"There is a partial check to be found to the evils of the elective system, in the prerogative which the Governor has given to the Brigade and Division Commanders, through whom the certificates of election are transmitted, and who can disapprove and thus stop improper appointments, if they cannot secure the best nominations.

"The object of this communication is to bring this matter to the notice of the Commanding General, in order that the present anomalous condition may be changed.

Very respectfully,

our obedient servant,

GEO. G. MEADE,

Brigadier Gen. Commanding Division."

Headquarters, First Army Corps,

October 21, 1862.

Respectfully forwarded,

JOHN F. REYNOLDS,

Brigadier General Volunteers, Commanding."

Headquarters Army of the Potomac,

November 12, 1862.

"Respectfully forwarded to the Adjutant General for the consideration of the War Department.

"It is not seen what can be done in this matter, other than to ask of his Excellency, the Governor of Pennsylvania, to invite again the Legislature of that State to amend the present condition of affairs in the Pennsylvania Reserve Corps, by such legislation as may be appropriate. This it is requested that the War Department will do.

"But how far legislation can effect the matter in a remedial way is not clear. The contract of enlistment of the soldiers of the Pennsylvania Volunteer Reserve Corps includes in its condition their right to select their own officers. This right has been resisted because the corps would have been worthless were its exercise continued or allowed. The matter has become more complicated with each step that has been taken in regard to it.

"Upon a review of the whole subject, I am now satisfied



that it would have been better to have proceeded in the promotions in this corps, according to the laws of Pennsylvania (which in the earlier steps were not understood), and risked the consequent mischief. They could not have been more threatening to the demoralization of the corps than the present condition of affairs is in fact to its existence.

A. E. BURNSIDE,  
Major General."

"Adjutant General's Office,  
November 21, 1862.

"Respectfully referred to the Governor of Pennsylvania, whose attention is earnestly invited to the remarks of General Burnside.

By order of the Secretary of War,

THOMAS M. VINCENT,  
Assistant Adjutant General."

To which I replied as follows:

"Hon. E. M. Stanton, Secretary of War:

"Sir:—I acknowledge the receipt of a letter from Brig. Gen. George G. Meade, who commands the division of Pennsylvania troops known as the 'Reserve Corps,' calling the attention of the General Commanding to the anomalous condition of affairs in his division, and pointing out the difficulties likely to result from the election of officers, if continued, or rather from the present state of matters, (elections not being held, and commissions to fill vacancies, not having been issued for want of them,) forwarded by Brig. Gen. John F. Reynolds, who commands the First Army Corps, and endorsed by Major General Burnside, specially requesting 'that the Governor of Pennsylvania invite again the Legislature of the State to amend the present condition of affairs in the Pennsylvania Reserve Corps, by such legislation as may be appropriate;' and further, that the present condition of affairs threatens the existence of the corps, and a further endorsement, from the War Department, calling my attention to the remarks of Gen. Burnside.



"At the last session of the Legislature a bill was introduced repealing the section of the act of May 16, 1861, under which the Reserve Corps was organized, requiring that the officers should be elected. It passed the House of Representatives, but failed in the Senate, and, while I feel a great delicacy in again appealing to the Legislature for powers which are to vest in me, the wants of the service seem so imperative, and the recommendations come from sources so distinguished, that I will, at the earliest moment, again call the attention of the Legislature to the subject, and earnestly recommend it to their early and favorable notice.

"No one deplotes more than I do the condition of affairs in the Reserve Corps. Owing to it, gallant and meritorious officers have been deprived of the promotion which their brilliant achievements had so fully entitled them to; but I trust it will be remembered that this is no fault of mine, and that I have always entertained and expressed a just pride in the name they have won for themselves and the State.

Very respectfully, your obedient servant,

A. G. CURTIN".

In accordance with the statements contained in the foregoing letter, I commend the subject to your earliest attention, and although I would gladly escape further responsibility in the selection and appointment of military officers, it is apparent that the recommendations of gentlemen who have had experience should not be disregarded, and that such legislation should at once be had as will relieve this gallant corps from further embarrassment, and place it under like enactments and regulations with those which control the other volunteer regiments from Pennsylvania.

I beg leave, in closing this subject, to add copies of General Orders No. 17 and 22, issued by me early in the year, relating to promotions.



**"Head-Quarters, Pennsylvania Militia,**

**"Harrisburg, February 26, 1862.**

**"General Order, No. 17.**

**"All promotions of officers in regiments of Pennsylvania volunteers, wherever the Governor has the power to appoint, under the order of the War Department of the 4th of May, 1861, and the act of Congress of the 22d of July, 1861, will be made in the order of their seniority; and all 2d Lieutenants will be appointed from the non-commissioned officers and privates in the companies where the vacancies occur.**

**"This order only applies to officers below the rank of field officers, and will be enforced except in special cases which may be presented through the Colonels of regiments.**

**By order of**

**A. G. CURTIN,**

**Governor and Commander-in-Chief.**

**A. L. Russell, Adjutant General, P. M."**

**"Head-Quarters, Pennsylvania Militia,**

**"Harrisburg, May 15, 1862.**

**"General Order, No. 22 .**

**"General order No. 17 of these headquarters is so modified that—**

**"I. All promotions of line officers shall be made in the order of seniority in the companies in which vacancies occur.**

**"II. Sergeant Majors of regiments shall not, by reason of their appointment as such, lose their right of seniority in the company in which they were previously attached.**

**By order of**

**A. G. CURTIN,**

**Governor and Commander-in-Chief.**

**A. L. Russell, Adjutant General."**

**With reference to the recruitment of the regiments from Pennsylvania now in the field, it is proper to**



say that the ordinary means of securing recruits having languished and been partially withdrawn, and constant applications being made to me by officers in the field to fill the regiments, I addressed the President of the United States, on the 30th of September last, as follows:

“Pennsylvania, Executive Chamber,

“Harrisburg, Sept. 30, 1862.

“Sir: I have the honor to refer to some of the topics of our conversation last week, at which time you were pleased to say, that you desired the Governors of the loyal States present to put their suggestions in writing.

“I proposed, at that time, to fill the regiments in service most reduced by the casualties of war, by retiring a given number from the more active service with the armies in the presence of the enemy, and having filled them and obtained a perfect re-organization, return them to the field and retire others until they were all filled to the standard established by the government, in the meantime supplying their places in the field with new regiments. I named ten regiments as the number to be retired at each time from this State. Most of our regiments that have participated in the recent battles are reduced to mere skeletons, and although we have furnished about 15,000 recruits for regiments from this State, no efficient strength has been given to any of them.

“The Pennsylvania Reserve Corps, numbering thirteen regiments of infantry, one regiment of cavalry and one of artillery, with a numerical strength of fifteen thousand seven hundred and sixty men, were taken into the service of the United States in July, 1861, immediately after the first battle at Manassas. The thirteen regiments of infantry did not muster four thousand men after the battle of Antietam. All



of these regiments are much reduced in number, whilst many of them can scarcely be said to retain regimental organizations. The brilliant history of the Reserve Corps in the war and the State pride which has followed them since they entered the service, together with the circumstances surrounding their organization, would, I have no doubt, prove such incentives to enlistment that the corps could be filled to the maximum in a short space of time.

"I suggest that the corps be returned to the State, and placed in the camp at this Capital, and, if I am correct in my impression, the success would affect the minds of our people favorably, and other regiments in the service could be filled in their turn promptly.

"It is proper that, in this connection, I should say that the suggestions reflect the opinion of all the officers of the corps, I take this opportunity of again renewing the suggestions of all the Governors on the occasion referred to—that so far as consistent with the interests of the public service, sick and wounded volunteers be taken to the hospitals within the State in which they were enlisted.

Very respectfully, your obedient servant,

A. G. CURTIN.

To His Excellency, A. Lincoln, President."

Not receiving any reply to this communication, on the 9th of October, I addressed a similar letter to Major General Geo. B. M'Clellan, then commanding the Army of the Potomac, which letter was delivered to him some time afterwards; and I subsequently learned informally, that Geo. M'Clellan thought favorably of the plan proposed, but having immediate use for the troops, could not retire them at that time. Thus the matter remained until the 1st of January, 1863, when I received the following letter from Col. H. G. Sickels, who now commands the Pennsylvania Reserve Corps:



"Headquarters, Division Penna. R. V. C.,

Camp near White Plain, Va., Dec. 26, 1862.

To His Excellency, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania:

"Dear Sir—General Meade having been promoted to the command of the Fifth Army Corps, leaves me as the only surviving Colonel of those who came out in the Pennsylvania Reserves, temporarily in command of the noble old corps.

"The General, previous to taking his departure, wrote a letter to General Franklin, showing the present strength and decimated condition of the corps, and strongly urging upon him the importance of sending them back to the State to recruit and re-organize.

"This I consider one of the most important steps that could be taken to preserve the original organization and their identity as a corps, in which the survivors feel and express so much pride.

"I would further state that Gen. Meade has represented the corps in the most favorable light in point of its present strength. I am well satisfied that from the thirteen old regiments we could not take into battle at this time over twenty-five hundred officers and men.

"Of the 195 officers marked present, meaning all on special or detailed duty in the different departments included, and which could not be taken into the field, would reduce the number to 120. And of the 4,249 enlisted men, those included as teamsters, artificers, musicians, extra-duty men and guards, besides an average of at least twenty sick in each regimental hospital, with an increase of double that number in case of a march, would make a difference in the aggregate of from 700 to 800 men.

"There is also another point to which I would respectfully call your attention, viz: Many non-commissioned officers have been promoted to the line for meritorious conduct in battle, who have never been commissioned, nor mustered into service as officers for want of their commissions; and in many instances these men are commanding companies.

"Of this class, several have been killed, and many so maimed, that they must be dismissed the service, with only the pay and pension of a non-commissioned officer or private, when by noble deeds of valor they had earned for themselves and families both the honor and emoluments of commissioned officers. With this state of things, the good men of the corps have become indifferent and show but little disposition to run great



risks, to which is so essential to success in battle, feeling that there is no reward for merit. This would be remedied, were we recalled to the State and the line filled with active and intelligent young men.

"I have written hastily, giving you some outlines of the facts, believing that a period of three months in Pennsylvania would see our ranks filled again to the maximum number prescribed by law; and I am confident that the Reserve Corps would re-enter the field with as much vigor and efficiency as when they first left the State. Believing it only waits your request upon the War Department to consummate this arrangement, and with full confidence that a matter so important to our existence as a distinct organization of State troops will engage your immediate attention, I have the honor to be, with great respect,

Your obedient servant,

H. G. SICKELS, Colonel,  
Commanding Division P. R. V. C."

And the letter of General Meade, referred to in the foregoing, is as follows, viz:

Headquarters, First Army Corps,  
December 25, 1862.

"Major General W. B. Franklin, Commanding Left Grand Division:

"General—I submit for your consideration a statement showing the present condition of the thirteen regiments of infantry, constituting the Pennsylvania Reserve Corps, and forming, together with two new regiments, the one hundred and twenty-first and one hundred and forty-second Pennsylvania Volunteers, the third division first army corps. You will perceive there are present for duty 195 officers and 4,249 enlisted men. Absent, by authority, 159 officers and 3,740 men. I have to observe, however, of the number reported as absent, a very large proportion are the wounded, most of whom are so maimed and disabled that no expectation need be formed of their returning to active duty. I should therefore say as an estimate, that to re-organize the command there would be required the appointment of over 200 officers, and the enlistment of over 7,000 men. This paper is forwarded to you on the eve of my giving up the command of the division, to call your at-



tention to the necessity of some measure being immediately adopted to increase the efficiency of this command.

"The plan of sending officers into the State to recruit has been, on three separate occasions, attempted, and proved in each case a signal failure. There remains, then, two courses to adopt. One is to consolidate the existing force with a number of regiments equal to the number of officers and men for duty. The objection to this plan is that it destroys the organization and prestige which the good conduct of the corps has acquired for it. Another plan would be to withdraw the command temporarily from the field, say for a period of two or three months, and return them to Pennsylvania, where, it is believed, from the great reputation the corps has acquired, the pride the State takes in it, and the enthusiasm its return would create, that in a short time its ranks would be filled, after pruning them of all useless members. Soon after the battle of Antietam, his Excellency, the Governor of Pennsylvania, proposed to the General commanding the Army of the Potomac, to receive and re-organize the corps; and it is believed the proposition was favorably received by the commanding General, but the exigencies of the movement prevented its execution.

"The further reduction of the corps by the recent battle, where it lost over 1,700 officers and men, and the probability that its services might, at this moment, be spared, together contributed so largely to its success may be preserved, are the considerations which induce me to suggest this plan to you and recommend its adoption.

Very respectfully, your ob't serv't,

GEO. G. MEADE,

Maj. Gen. Volunteers.

"Commanding Third Division, and, pro tem., the First Army Corps."

(Official Copy. H. S. Jones, A. A. A. G.)

On the 2d inst., in compliance with the suggestions of General Meade and Col. Sickels, I addressed the War Department as follows:

"Executive Chamber,

"Harrisburg, Jan. 2, 1863.

"Hon. Edwin M. Stanton, Secretary of War:

"Sir—I have received through Colonel H. G. Sickel,



now commanding the division known as the Pennsylvania Reserve Corps, a copy of a letter herewith appended, addressed by Maj. Gen. Geo. G. Meade (lately in command of the division) to Maj. Gen. Franklin, relative to the prospect of recruiting the regiments constituting the Pennsylvania Reserves to their proper standard. The facts so far as they are known to me, are so well and lucidly stated by General Meade, that it is unnecessary for me to repeat them. I regretted that the exigencies of the public service precluded the return of the 'Reserves' to this State, after the battle of Antietam, as requested by me, and I now desire to ask that the removal of that gallant body of men may be ordered to Harrisburg and allowed to go into camp, say for the period of three months, for the purpose of full and complete re-organization, and if not incompatible with the public service, would be glad to see such an order issued—feeling as I do, fully satisfied that in that time a sufficient number of recruits could be obtained to refill the ranks, and to return the division to the army strengthened and reinvigorated for future usefulness. I desire to say that if such order is promptly issued, the period of the year is propitious for securing recruits, and that every exertion upon my part shall be used to accomplish so important an object, and thus add to the forces of the United States.

Very respectfully,

Your obedient servant,

A. G. CURTIN."

And deeming this a subject of sufficient importance, I despatched the Adjutant General of the State to Washington City, who presented the foregoing letter to the Department on the 3d inst., and received a verbal answer to the effect that the Department, would consider the subject and give an answer in a few days.

I have therefore delayed this message until this



time, but as yet have not received any communication from the Department.

You have now, gentlemen, before you all the information which is in my possession on this subject.

It may be proper to say that the plan proposed by me in my letter to the President—and as to the successful results of which I then had no doubts— was to be extended to all the regiments from Pennsylvania in the service, and that the Reserved Corps was asked for, first, simply because these regiments were the first to enter the service of the United States after the expiration of the term of service of the three months regiments, and because it is now a question whether that organization—raised as it was by the wisdom of the past, and pressed forward at an auspicious time for the welfare of our country, is to live only in history, or is to be continued in our National defence. The statistics before you show the probability of its utter extinguishment, and I submit the proposition to return them to the State to be recruited as the only alternative which I can devise to secure their continued usefulness.

I may have erred in believing that the vast army from Pennsylvania now in the field, could have thus been filled, but I can suggest no other plan for the attainment of this important object, and therefore submit the whole subject, with the sincere hope that the Legislature may be enabled, in its wisdom, to adopt such a course as will secure to the gallant and patriotic men who yet survive, all the aid, success and promotion which they have so richly merited.

A. G. CURTIN.



To the Assembly Concerning Certain War Measures,  
with Correspondence Relating Thereto.

Executive Chamber,  
Harrisburg, January 14, 1863.

Gentlemen:—

**O**N THE 12TH INSTANT I HAD THE HONOR TO communicate to you a Message in regard to the election of officers in the Reserve Corps, and the recruitment of the regiments of that corps, and of our other gallant regiments of volunteers.

With that Message I presented all the information then in my possession on the subject; but since its transmission to you I have received a communication from the War Department which I hasten to lay before you, and which is as follows:

“War Department,

Washington City, D. C., January 12, 1863.

“His Excellency, A. G. Curtin, Governor of Pennsylvania, Harrisburg, Pa.:

“Sir—The Secretary of War directs me to acknowledge the receipt of your letter of the 2d inst., enclosing copy of one from General Meade to General Franklin, relative to recruiting the regiments constituting the ‘Pennsylvania Reserve,’ and asking that the remnant of that gallant body of men be ordered to Harrisburg, in order to fill its ranks.

“In reply, the Secretary desires me to say that there are numerous applications of this kind on file in regard to regiments from other States, which have been greatly reduced in recent battles. If one such request is acceded to, all similar applications must be granted. This would so reduce the armies in the field as not only to prevent any further operations for the next three or four months, but to endanger important positions now held by us. The War Department has uniformly refused applications of this kind, and cannot at the present time adopt a different policy.

I am, Sir, very respectfully,

Your obedient servant,

GEO. D. RUGGLES,  
Assistant Adjutant General.



I feel it my duty to call the attention of the Legislature to the fact, that many of our regiments in the service of the Government has not been paid for a long period of time, and that many of the regiments taken into the service under the calls made in July last, have not received any pay, nor the promised bounties from the Government.

It cannot be otherwise than that the families of many of the soldiers now in the service are suffering,—particularly in counties where arrangements have not been made to pay bounties, or where the funds provided for that purpose have become exhausted, or the application of them has ceased.

The families of the drafted militia, taken into the service of the United States, must be in like condition, and are equally deserving the care of the Government.

I submit all these matters to the consideration of the Legislature, trusting that you will take such action as the helpless condition of those relying upon the pay of the soldier and the generosity of the Government would seem to justify. It is clear that the citizens who go into the service of their country should be paid promptly; but even if thus paid, they would not, in many cases, receive sufficient to maintain their families. The highest obligation rests upon the citizens who remain at home to make ample provision for the comfort of those who have been left dependent by the brave men who have to encounter the perils and hardships of military service;—and no subject of paramount importance can claim your attention.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Change the Venue in a Certain Case, from Beaver to Fayette County."

Executive Chamber,  
Harrisburg, February 9, 1863.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, the bill, entitled "An Act to change the venue in a certain case from Beaver to Fayette county," with my objections thereto.

In prosecutions by indictment or information the accused have a right to a speedy public trial, by an impartial jury of the vicinage, and this right is reaffirmed by the ninth section of our bill of rights, which forms the ninth article of the constitution.

The bill which I now return directs the removal of an indictment for trial to a distant county, without any allegation that an impartial jury cannot be had in the vicinage, (that is to say, in the county in which the offence is alleged to have been committed,) or that the removal is desired by the parties accused, nor does it provide for holding the parties to bail for their surrender for trial in the county to which the case is thus proposed to be removed.

If the Legislature should think that probable cause exists for a change of venue in this case, I should not object to an act authorizing or directing the court in which the indictment is pending (on the application of the accused, showing that an impartial jury cannot be had in the vicinage,) to change the venue to some other county, and to hold the parties to bail to appear therein.

A. G. CURTIN,



To the Assembly Concerning the Treatment of Citizens of Pennsylvania Hostile to the Union.

Executive Chamber,  
Harrisburg, February 12, 1863.

Gentlemen:—

**I** DESIRE TO CALL YOUR ATTENTION TO A subject of moment.

When the present infamous and God condemned rebellion broke out, Congress was not in session, and the occurrence of such a state of things not having been foreseen in former times, no adequate legislation had been had to meet it. At the same time the life of the country being at stake, it appeared necessary that some means should be taken to control the small band of traitors in the loyal States, so as to prevent them from machinations which might be injurious, if not fatal, to the national cause. Under these circumstances the General Government resorted to a system of military arrests of dangerous persons, and having thus commenced acting under it, have continued (at long intervals in this State) to pursue it. The government of the United States acts directly on individuals, and the State Executive has no authority or means to interfere with arrests of citizens of the United States made under the authority of that government.

Every citizen of Pennsylvania is also a citizen of the United States, and owes allegiance to them, as well as (subject to the provisions of the Constitution of the United States) he owes it to Pennsylvania. If he be unlawfully deprived of his liberty, his only redress is to be had at the hands of the judiciary. In such times as the present it is more than ever necessary to preserve regularity in official action. Great efforts have been, and are perhaps still being, made by persons blinded or ill disposed, to throw us into a state of revolution:—that is to say,



to create anarchy and confusion—and ultimately to bring about the destruction of life and property among us. Any irregular, much more illegal interference by your Executive, with matters which by the constitution are not entrusted to his cognizance, and especially any such interference with the action of the Executive of the United States, or with the functions of the judiciary, would be, in the existing crisis, emphatically dangerous; it would have a direct revolutionary tendency; in fact, it would be to commence a revolution. The courts of justice are open, and no doubt all personal wrongs can be properly redressed in due course of law.

I do not know how many arrests of the kind hereinbefore referred to have been made in Pennsylvania, as I have at no time been privy to the making of them, but I believe they have been few. I was under the impression that there would be no necessity for more of them, otherwise I might have referred to them in my annual message, but recent events having shown that this impression was erroneous, I deem it my duty now to invite your attention to the subject.

The contest in which we are engaged is one for the preservation of our own liberty and welfare. The traitors at the south hate the great body of our people who are loyal, and hate and bitterly despise the few who are ready for submission. Unless the rebellion be effectually suppressed we must lose our pride of country, the larger portion of our territory, and the elements not only of greatness, but of prosperity and even of security to life, liberty and property. Notwithstanding all this, it is, I fear, an undoubted truth that a few wretches among us, false to all our free and loyal traditions—false to the memory of their fathers and to the rights of their children—false to the country which has given them birth and protected them—only stopping short of the technical offence of



treason—in the very madness of mischief, are actively plotting to betray us—to poison and mislead the minds of our people by treacherous misrepresentations, and to so and so comfort the rebels, that our fate may be either to abandon the free north and become hangers-on of a government founded in treachery, fraud and insane ambition; or at best, to dissolve the Union under which we have prospered, and to break this fair and glorious country into fragments which will be cursed by perpetual discords at home, and by the contempt and ill usage of foreign nations, from which we shall then be too weak to vindicate ourselves.

That such offences should be duly punished, no good citizen can doubt—and that proper legislation, by Congress, is required for that purpose can be as little doubted. Whether such legislation should include a suspension of the writ of habeas corpus in any, and what parts of the country, is a question which belongs exclusively to the legislative authorities of the United States, who, under the Constitution, have the right to determine it. That great writ ought not to be suspended, unless, to the wisdom of Congress, the present necessity shall appear to be urgent.

I therefore recommend the passage of a joint resolution, earnestly requesting that Congress shall forthwith pass laws defining and punishing offences of the class above referred to, and providing for the fair and speedy trial, by an impartial jury, of persons charged with such offences, in the loyal and undisturbed States, so that the guilty may justly suffer and the innocent be relieved.

A. G. CURTIN.



To the Senate Nominating Wien Forney to be State Librarian.

Executive Chamber,  
Harrisburg, March 16, 1863.

Senators:—

**I**N CONFORMITY WITH THE ACT OF THE General Assembly, approved the 25th day of January, A. D. 1854, I do hereby nominate, for the advice and consent of the Senate, Wien Forney, of Dauphin county, to be State Librarian, for the period of three years.

A. G. CURTIN.

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To the Senate Nominating Charles R. Coburn to be State Superintendent of Public Schools.

Executive Chamber,  
Harrisburg, April 10, 1863.

Senators:—

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the provisions of the act of Assembly of the 18th of April, 1857, separating the State and School departments, Charles R. Coburn, Esquire, of Bradford county, to be Superintendent of Common Schools of this Commonwealth, for three years, from the first Monday of June next.

A. G. CURTIN.



To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 10, 1863.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, F. B. Penniman, Esquire, of Wayne county, John H. Briggs, Esquire, of Dauphin county, and Jacob C. Bombarger, Esquire, of Dauphin county, to be trustees of the Pennsylvania State Lunatic Hospital, for three years, to be computed from the first day of February last past.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Authorize the Orphans' Court of Susquehanna County to Decree a Sale of Certain Lands in Said County, Heretofore Conveyed in Trust by Almon Sweet, and Caroline, His Wife."

Executive Chamber,  
Harrisburg, April 11, 1863.

Gentlemen:—

**I RETURN HEREWITH TO THE SENATE, IN**  
which it originated, bill, No. 47, Senate file, entitled "An Act to authorize the orphans' court of Susquehanna county to decree a sale of certain lands in said county, heretofore conveyed in trust by Almon Sweet, and Caroline, his wife," with my objections thereto.



It appears from the recital in the bill that in the year 1846, Almon Sweet conveyed certain real estate, in trust, for his wife Caroline, during her natural life, and after her decease, for the use of the children of said Almon, and Caroline Sweet, and their heirs and assigns forever.

This conveyance, if valid, vested an equitable estate for life in Caroline Sweet, with remainder in fee to the children of her husband and herself.

This bill proposes to give the orphans' court of Susquehanna county power to authorize Almon Sweet, and wife, to sell the real estate so conveyed in fee, in total disregard of the estate in remainder vested in the children.

In my judgment, to do this is beyond the legitimate power of the Legislature.

If the conveyance in trust be for any reason invalid, it can be set aside by due course of law; if it be valid, I think the Legislature has no right to divest the estate of the cestui que trust under it.

For these reasons I am constrained to withhold my signature of approval.

A. G. CURTIN.

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Farewell Message to the Assembly of 1863.

Executive Chamber,  
Harrisburg, April 15, 1863.

Gentlemen:—

**I**N TAKING LEAVE OF YOU AT THE CLOSE OF the session, I think it proper, under existing circumstances, to go beyond the usual formalities.

The partiality of my fellow-citizens placed me in the office which I now hold, at a period of great public



distraction, which soon culminated in the breaking out of the rebellion, which is still raging. The country had so long slumbered in unbroken tranquility, that we had, in this State, almost forgotten the possibility of any violation of our domestic peace. Even our militia laws had been suffered to fall into disuse, and were reduced to a merely permissive organization of a few uniformed volunteer companies, in various parts of the State. The whole mind of our people was directed to peaceful and industrial pursuits. Conscious, themselves, of no intention to injure the rights or interests of others, or in any way to violate the Constitution under which we had thriven, they were unable to realize the designs of wicked and abandoned men—even after they had been publicly and boastingly proclaimed.

Although for many months war had been actually levied against the United States, in South Carolina and elsewhere, it is a fact that the people of this Commonwealth were first startled into a sense of the common danger by the bombardment of Fort Sumpter. The Legislature was then in session, and immediately made such provision as was at the moment deemed necessary; but, shortly after its adjournment, events having rapidly advanced, and the capital of the country being in apparent danger, I deemed it necessary to convene it again, early in May, 1861, to adopt measures for placing the State on a footing adequate to the emergency. This was promptly and cheerfully done. Five hundred thousand dollars had been appropriated at the regular session, for military purposes, and to that sum was then added authority to borrow three millions of dollars. This loan, notwithstanding the depressed condition of the finances of the country, and the alarm and distrust then prevailing, was promptly taken by our own citizens, at par; and, at the suggestion of the Executive, laws were



passed for organizing our military forces, and especially for immediately raising and supporting, at the expense of the State, a body of fifteen thousand men, caled the Reserve Corps, to be ready for immediate service when required.

The Government of the United States had called out seventy-five thousand militia, to serve for three months, of which the quota of Pennsylvania was immediately furnished.

The Reserve Corps was raised, equipped and disciplined by the State, and contributed largely, under Providence, in saving Washington after the first disaster at Bull Run; and from that time, we continued to add regiment after regiment, as the service of the country required.

From the first movement to the present hour, the loyalty and indomitable spirit of the freemen of Pennsylvania have been exhibited in every way and upon every occasion; they have flocked to the standard of their country in her hour of peril, and have borne it victoriously on battle-fields from Maryland, Virginia and Kentucky, to the far South and South-west: they have never faltered for a moment. It has been my pride to occupy a position which enabled me to become familiar with all their patriotism and self-devotion, and to guide their efforts. Posterity will do them full justice.

Every requisition of the General Government has been promptly fulfilled, all legislation in support of the cause, has been enacted without delay, and Pennsylvania is entitled to be named first amongst the States, that have been throughout unflinching in their determination to subdue the sacrilegious wretches who are endeavoring to destroy the last Temple of Liberty.

The State has not been insensible to the sacrifices which her sons have made; no effort has been spared



by her authorities to secure their comfort and welfare. Under legislative provisions to that effect, her sick and wounded have been followed and cared for, and, when practicable, brought home to be nursed by their friends; and the bodies of the slain, when possible, have been returned for burial in the soil of the State. The contributions of her citizens in supplies of luxuries and comforts, for all her volunteers, have been almost boundless, and nothing has been omitted that could encourage and stimulate them in the performance of their holy duty. They have felt upon every march and in every camp, however desolate their immediate surroundings, that the eyes and hearts of the loved ones at home were upon and with them.

The result is that Pennsylvania is actually in a position on which it is my duty to congratulate you, as her Representative.

Notwithstanding the immense drain of her population, her industry is thriving at home, and so far as it may not be hurt by causes over which she has no control, must continue to prosper; her finances were never in a more healthy condition, her people were never in better heart.

That the labors, anxieties and responsibilities of her Executive have been great and harassing, I need not say. I have given to them my nights and days, with, I trust, a single eye to the public welfare. I claim no special merit in this. I would have been unworthy to be called a man, had I done otherwise. If I am proud of the result, it is that I am proud of the people who have effected it.

To be called a freeman of Pennsylvania, is, henceforth, to have a title of honor wherever loyalty, patriotism and the martial virtues are cherished. It is to be observed, moreover, that the labors which I have necessarily undergone, have already impaired my health. I should have serious cause to apprehend



that a much longer continuance of them, might so break it down, as to render me unable to fulfil the duties of my position.

It is to be added, that as the approaching season will, probably, be the most eventful period in the history of the country, I will be able with more effect to discharge my duties, if I avoid being made the centre of an active political struggle.

Under these circumstances, it has pleased the President of the United States to tender me a high position at the expiration of my present term of office, and I have not felt myself at liberty to do otherwise than accept this offer.

As I shall, for all these reasons, retire from office at the close of my present term, I have thought this a not inappropriate mode of announcing that fact.

In taking leave of you, I may be permitted to say, that as Governor of the Commonwealth, I have given, as was my duty, and shall continue to give, an active and earnest support to the Government of the United States, in its efforts to suppress the existing rebellion. As a private citizen, I shall continue heartily to uphold the President and his administration, as the only means by which that result can be obtained, or, in other words, the country can be saved.

I give this as my deliberate opinion, and shall openly, candidly and zealously act in accordance with it.

Of the warm hearted friends to whom I owe so much, and of the people of the Commonwealth, who, regardless of party, have never tired of cheering my toils and anxieties, by tokens of their generous confidence and approval, I cannot speak with composure. I can do no more than express to them the deepest, truest and most heartfelt gratitude.

Hoping that you may safely return to your homes and families, after your public labors, and with the



best wishes for your individual welfare and happiness,  
I now bid you farewell.

A. G. CURTIN.

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Proclamation for Sixty Thousand Men to Repel In-  
vasion of the State.

Pennsylvania, ss.



**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

The enemy is advancing in force into Pennsylvania. He has a strong column within twenty-three miles of Harrisburg, and other columns are moving by Fulton and Adams counties, and it can no longer be doubted that a formidable invasion of our State is in actual progress.

The calls already made for volunteer militia in the exigency, have not been met as fully as the crisis requires. I, therefore, now issue this my proclamation, calling for SIXTY THOUSAND MEN to come promptly forward to defend the State. They will be mustered into the service of the State for the period of NINETY DAYS, but will be required to serve only so much of the period of muster as the safety of our people and honor of our State may require.



**THE BATTLE OF GETTYSBURG.**







They will rendezvous at points to be designated in the General Order to be issued this day by the Adjutant General of Pennsylvania, which order will also set forth the details of the arrangements for organization, clothing, subsistence, equipments and supplies.

I will not insult you by inflammatory appeals. A people who want the heart to defend their soil, their families and their firesides, are not worthy to be accounted men. Heed not the counsels of evil disposed persons, if such there be in your midst. Show yourselves what you are—a free, loyal, spirited, brave, vigorous race. Do not undergo the disgrace of leaving your defence mainly to the citizens of other States. In defending the soil of Pennsylvania we are contributing to the support of our national government, and indicating our fidelity to the national cause.

Pennsylvania has always heretofore responded promptly to all the calls made by the Federal Government, and I appeal to you now not to be unmindful that the foe that strikes at our State, strikes through our desolation at the life of the Republic, and our people are plundered and driven from their homes solely because of their loyalty and fidelity to our free institutions.

People of Pennsylvania! I owe to you all my faculties, my labors, my life. You owe to your country your prompt and zealous services and efforts. The time has now come when we must all stand or fall together in defence of our State, and in support of our Government. Let us so discharge our duty that posterity shall not blush for us. Come heartily and cheerfully to the rescue of our noble Commonwealth. Maintain now your honor and freedom.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-sixth day of June,



in the year of our Lord one thousand eight hundred and sixty-three, and of the Commonwealth the eighty-seventh.

A. G. CURTIN.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Proclamation of the Cancellation of Nine Hundred and Fifty Four Thousand Seven Hundred and Twenty Dollars of the Principal Debt of the Commonwealth Through the Commissioners of the Sinking Fund.

Pennsylvania, ss.

(Signed) A. G. Curtin.



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-

wealth.

#### A PROCLAMATION.

Whereas By the Third Section of the Act of the General Assembly of this Commonwealth passed the twenty-second day of April A. D. one thousand eight hundred and fifty-eight entitled "An Act to establish a Sinking Fund for the payment of the Public debt," it is made the duty of the Secretary of the Commonwealth, the Auditor General and the State Treasurer Commissioners of the Sinking Fund created by the said Act of the Gen-



eral Assembly on the First Monday of September A. D. one thousand eight hundred and fifty-nine and on the same day annually thereafter to report and certify to the Governor the amount received under the said act, the amount of Interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And whereas by the ninety-eighth section of An Act of the General Assembly of this Commonwealth passed the nineteenth day of April, A. D. one thousand eight hundred and fifty three entitled "An Act to provide for the ordinary expenses of the Government, &c.," it is provided that thereafter the receipts of the Sinking Fund to the amount that may be necessary to cancel the relief issues now in circulation under the provisions of the Act of the fourth of May, A. D. one thousand eight hundred and forty-one and the re-issues under the Act of the tenth of April one thousand eight hundred and forty nine shall be applied toward the cancellation of said issues.

And whereas Eli Slifer, Isaac Slenker, and William V. McrGath, Ex Officio Commissioners of the Sinking Fund in obedience to the requirement of Law report and certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the First day of September A. D. one thousand eight hundred and sixty-two to the Seventh day of September A. D. one thousand eight hundred and sixty three amounts to the sum of Nine Hundred and Fifty Four Thousand Seven Hundred and Twenty Dollars and Forty Cents, made up as follows to-wit:—

Coupon Loan Act May 4, 1862, ..... \$100,000.00



Five per ct., .....	790,716.50
Four and one half per ct.:—Loan, .....	63,000.00
Relief Notes Cancelled, .....	963.00
Domestic Creditors Certificates redeemed, ed, .....	13.00
Interest Certificates paid, .....	27.90

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Total, ..... \$954,720.40

Now therefore as required by the Third Section of the Act of Assembly first above mentioned I do hereby issue this my Proclamation declaring the payment cancellation extinguishment and final discharge of Nine Hundred and Fifty Four Thousand Seven Hundred and Twenty Dollars and Forty Cents of the principal debt of the Commonwealth including nine hundred and sixty three dollars of the Relief issues which have been cancelled and destroyed as authorized by the ninety-eighth section of the Act of the Nineteenth day of April A. D. one thousand eight hundred and fifty three aforesaid.

Given under my Hand and the Great Seal of the State at Harrisburg, this eighth day of September in the year of our Lord one thousand eight hundred and sixty-three and of the Commonwealth the eighty-eighth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving.—1863.

Pennsylvania, ss.

(Signed) A. G. Curtin.



**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

## A PROCLAMATION.

Whereas The President of the United States by his Proclamation bearing date on the Third day of this month, has invited the citizens of the United States to set apart Thursday the Twenty-sixth day of November next as a day of Thanksgiving and

Prayer,

Now, I, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania, do hereby recommend that the People of Pennsylvania do set apart and observe the said day accordingly, and that they do especially return thanks to Almighty God for the gathered harvests of the fruits of the Earth;

For the prosperity with which He has blessed the Industry of our People;

For the general health and welfare which he has graciously bestowed upon them;

And for the crowning mercy by which the blood-thirsty and devastating Enemy was driven from our soil by the valor of our brethren freemen of this and other States.

And that they do especially pray for the continuance of the blessings which have been heaped upon us by the Divine Hand;

And for the safety and welfare and success of our brethren in the field that they may be strengthened to the overthrow and confusion of the Rebels now in



arms against our Beloved Country: So that peace may be restored in all our borders and the Constitution and Laws of the Land be everywhere within them re-established and sustained.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-eighth day of October in the year of our Lord one thousand eight hundred and sixty three and of the Commonwealth the eighty-eighth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Proclamation Urging the Men of the Commonwealth to be Prompt in Responding to Pennsylvania's Quota of Three Hundred Thousand Volunteers Called for by the President of the United States.

Pennsylvania, ss.

(Signed) A. G. Curtin.



**I**N THE NAME AND BY the Authority of the Commonwealth of Pennsylvania, ANDREW G. CURTIN, Governor of the said Commonwealth.

**A PROCLAMATION.**

Whereas, The President of the United States, by Proclamation, bearing date on the Seventeenth day of Oct., inst., has called for **THREE HUNDRED THOUSAND VOLUNTEERS**, to recruit the regiments now in the field from the respective States; And whereas, By information received this day, the quota of the State of Pennsylvania under said



call is declared to be **THIRTY-EIGHT THOUSAND TWO HUNDRED AND SIXTY-EIGHT MEN**, (38,268;) And whereas, The President, in his said Proclamation, requests the Governors of the respective States to assist in raising the force thus required:

Now, Therefore, I, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania, do earnestly call on the good and loyal freemen of this Commonwealth, to enlist in the service of the United States, under the Proclamation aforesaid, so that the required quota may be made up before the Fifth day of January next, on which day the President announces that a draft will commence for any deficiency that may then exist in the same.

The freemen of Pennsylvania enlisting under this call will be attached to regiments from this State. All who are willing to enlist are requested to present themselves at once, for that purpose, to the United States Provost Marshal's recruiting and mustering offices, in their respective cities, town and counties.— They will receive the following sums as allowance, pay, premium and bounty, viz:

To every recruit who is a veteran volunteer, as defined in General Orders of the War Department of June 25, 1863, No. 191, for recruiting veteran volunteers, one month's pay in advance, and a bounty and premium amounting to \$402. To all other recruits, not veterans, accepted and enlisted as required in existing Orders, one month's pay in advance, and in addition a bounty and premium amounting to \$302.

Any further information desired can be obtained from the Provost Marshals of the respective districts.

In making this appeal to the good and loyal freemen of Pennsylvania, I feel entire confidence that it will be effectually responded to. The approaching expiration of the term of enlistment of the men now in the field renders it necessary to replenish our regi-



ments. Let us maintain the glory which their valor and conduct have reflected on the Commonwealth, and let our people show, by their promptness and alacrity on this occasion, that they have not abated in courage or love of country, or in the determination that the unholy rebellion, already stunned and staggering, shall be utterly crushed and extinguished.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-three, and of the Commonwealth the eighty-eighth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1864.

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**T**HE PAST YEAR HAS AFFORDED US NEW cause of thankfulness to the Almighty for the moral and material blessings which he has bestowed upon us.

The balance in the Treasury, Novem-

ber 30, 1862, was .....	\$2,172,844 10
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Receipts during fiscal year ending No-

vember 30, 1863, .....	4,289,451 65
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Total in Treasury for fiscal year ending

Nov. 30, 1863, .....	6,462,295 75
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The payments for the same period have  
been ..... 4,314,964 05

Balance in Treasury, November  
30, 1863, ..... 2,147,331 70

The operations of the sinking fund during the last  
year have been shown by my Proclamation of the 8th  
day of September last, as follows:

Amount of debt of Commonwealth re-  
duced, ..... \$954,720 40

As follows, viz:

Coupon loan, act May 4, 1862, .....	\$100,000 00	
Five per cent, .....	790,716 50	
Four and one-half per cent, .....	63,000 00	
Relief notes cancelled,	963 00	
Domestic creditors' cer- tificates, .....	13 00	
Interest certificates paid, .....	27 90	
		954,720 40

Amount of public debt of Pennsylva-  
nia, as it stood on the 1st day of De-  
cember, 1862, ..... \$40,448,213 82

Deduct amount redeemed at the State  
Treasury during the fiscal year end-  
ing with November 30, 1863, viz:

Five per cent. stocks,..	\$888,499 78	
Four and a half per cent. stocks, .....	63,000 00	
Relief notes, .....	109 00	
Domestic creditors' cer- tificates, .....	8 26	
		951,617 04



Public debt December 1, 1863, ..... 39,496,596 78

Funded debt, viz:—

6 per cent. loans, ...	\$400,630 00	
5 per cent. loans, ...	35,709,986 45	
4½ per cent. loans, ..	268,200 00	
		<hr/> \$36,378,816 45

Unfunded debt, viz:

Relief notes in circulation, .....	\$97,251 00	
Interest certificates outstanding, .....	15,356 63	
Interest certificates unclaimed, .....	4,443 38	
Domestic creditors' certificates, .....	742 32	
		<hr/> 117,780 33

36,496,596 78

Military loan, per act of May 15, 1861, 3,000,000 00

Total indebtedness, ..... 39,496,596 78

By the act of 15th May, 1861, authorizing the military loan of \$3,000,000, a tax of one-half mill was laid on real and personal property, to furnish a fund for redeeming the same. I recommend that the Commissioners of the Sinking Fund be directed to invest the proceeds of the tax in State loan, so that it may be drawing interest, to be in like manner invested, or that they should apply such proceeds directly to the purchase of certificates of the military loan, and cancel such certificates as shall be purchased.

Although our finances are still in a healthy condition, it is necessary to invite the serious attention of the Legislature to the consideration of the means of maintaining them unimpaired in future.



By the act of 12th June, 1840, it was provided that the interest on the State loans should always be paid in specie or its equivalent, and that whenever the funds in the Treasury should be of less value than specie, the difference in value should be ascertained and certified to the Governor, who should thereupon issue his warrant to the agents or banks authorized to pay such interest on behalf of the Commonwealth, to allow such difference to parties receiving the interest, or at the option of the parties to pay the same in specie.

By the act of 11th April, 1862, it was provided that for the purpose of paying in specie or its equivalent, all interest that should thereafter be due by the Commonwealth, as required by the act of 12th June, 1840, the several banks who should avail themselves of the provisions of that act, (of 11th April, 1862,) and who should refuse to redeem their notes in specie, on demand, at any time within ten days upon or after the time when such interest should become due, should thereafter, when required by the State Treasurer, by notice in writing, pay into the State Treasury, in proportion to the capital stock paid in of each bank their ratable proportion of such premium for gold or its equivalent, as should have been actually paid by the State.

By the act of the 30th January, 1863, it was provided that the State Treasurer should exchange with the banks an amount of currency sufficient to pay the interest on the State debt falling due on the first days of February and August, 1863, for the same amount of coin, and should give to the banks specie certificates of exchange, not transferable, pledging the faith of the State to return said coin in exchange for notes current at the time, on or before the first Monday of March, 1864, such certificates to bear interest at the rate of  $2\frac{1}{2}$  per cent. per annum.



Under the provisions of the act of 1862 certain banks paid into the State Treasury \$140,768 30 as an equivalent for coin for the payment of interest on the public debt.

Under the act of 1863, specie certificates have been given to the banks, amounting in the whole to \$1,968,904 97, which, with the accruing interest, will fall due on the first Monday of March next.

As the provisions of this act were of a temporary character, the only acts now in force on the subject are those of 1840 and 1862, above mentioned, under which it will be the duty of the State authorities to pay the interest on the 1st of February, 1864, and thereafter, in coin or its equivalent, and look to the banks that may be liable under the act of 1862 for reimbursement of the premium paid by the Commonwealth.

In the face of all difficulties, this Commonwealth, actuated by a sentiment which does its people honor, has hitherto paid its interest in coin or its equivalent.

Existing circumstances make it necessary to consider now the fair extent of her just obligations.

The exigencies of the times have compelled the Government of the United States to issue large amounts of Treasury notes for circulation, which are not redeemable in coin, and which form the great mass of our circulating medium.

It is our duty as a loyal State—it is our interest as a State whose welfare, and even safety, depend emphatically upon the maintenance of the credit and the success of the military operation of the General Government—to do nothing to impair its credit or embarrass its measures. On the contrary, we owe it to ourselves and to our posterity to give an active support to its efforts to quell the monstrous rebellion which is still raging, and thus restore peace to our distracted country.



It is our own Government, and we could not, without gross indecency, attempt to refuse its currency in payment of taxes and other debts due to the Commonwealth.

In 1840 the case was very different. The difficulties then arose from the suspension of specie payments by our State banks, mere local and private corporations, and the State very properly by the act of that year, intended to provide against loss to its creditors by reason of such suspensions. An exigency like the present could not then have been foreseen by the Legislature, and it is to be inferred therefore that they could not have intended to provide for it.

We derive our system of public loans from Europe, and the true extent of our obligation is to be ascertained by referring to the known established practice of European governments prior to the dates when our loans were effected. I mean of course such of those governments as were held to have maintained their national credit.

It is believed to have been the uniform practice of such governments to pay their interest in paper currency, however depreciated, during a legalized suspension of specie payments. An observable instance of this is afforded by the course of the British Government, which, during twenty-five years, from 1797 to 1822, during which the bank was prohibited by law from paying out coin for any purpose, paid the interest on its public debt in bank notes, which during a great part of that time were at a heavy discount, sometimes amounting to 30 per cent. or thereabout. Their necessities then were not as great as ours are now.

Among ourselves, at the present time, Massachusetts (whose debt is believed to be very small) pays the interest in coin. Ohio and Indiana pay in currency. In New York it is not known what will be



done. Her Legislature, by concurrent resolution, ordered the interest to be paid in coin to foreign stockholders, in April last.

At the present rate of premium on gold, the sum necessary to pay on an amount sufficient to discharge the annual interest on the State debt, would be more than \$1,000,000, and to meet this, additional taxation to that extent would be unavoidable. The demands on the Treasury for other necessary purposes must probably be such as to render it imprudent to throw any part of this expenditure on the existing surplus. To borrow money from year to year to pay the interest on past loans would, of course, be wholly inadmissible. To leave the act of 1862 in force, and attempt to throw the payment of this large premium annually on the banks, would be not only flagrantly unjust, but quite impracticable. I recommend the whole subject to the careful and immediate consideration of the Legislature. Some legislation ought to be had on it before the close of the present month. In my opinion the Commonwealth will have fulfilled her obligations by providing for the payment of her interest in the currency of the Government. If the Legislature should think fit to continue to pay it in coin, it will be their duty to levy forthwith the heavy taxes necessary for that purpose. I must in passing observe that the plan adopted by one of the States of paying coin to foreign, and currency to domestic loanholders, appears to me to be wholly unwise, and founded on no legitimate principle.

At the close of the last session, nineteen bills renewing the charters of certain banks for another period of five years, were presented to me. Of these I have (for reasons which will be hereafter communicated) withheld my signature from one, and approved the remainder. I have been led to sign them by considerations that the banks of the Commonwealth pay



a large revenue which the State can ill afford to lose, and that in the present condition of the country it would be impolitic to drive so much capital out of active use, or force it into new employments.

If the National banking system afford sufficient inducements, capital will voluntarily take that direction. It is proper to observe that the charters of most of the banks in question expire at an early period, while in consequence of the invasion of the State, during the last summer, they could not have been reasonably expected to give the necessary notice of renewed applications for re-charter.

I recommend an extension of the time during which the banks are now relieved from penalties for not paying their obligations in coin.

The increased expenses of living invite attention to the salaries of our public officers. Those of the Secretary of the Commonwealth, Auditor General and State Treasurer, and of the clerks in their employment, are, in my opinion, too low, especially as the exigencies of the times have greatly enhanced the labors and responsibilities of all, and, in the case of the heads of those departments, enforce a constant attendance at Harrisburg, which was not formerly required.

Under the act of 16th April, 1862, and its supplement, passed 22d April, 1863, the Adjutant General, Quartermaster General and Commissary General have been acting as the Board of Military Claims. They have, up to this time, approved claims to the amount of \$166,415.81, and others have been already presented to the further amount of \$332,120 29, which have not yet been acted on.

Under the act of 22d April, 1863, (P. L. 529,) the court of common pleas appointed three appraisers to ascertain the damage done in the counties on the Southern border, by the militia called into service in



September, 1862, by the Anderson cavalry in the same month, and by the rebels in their raid on the 10th and 11th October, 1862.

The appraisers have not yet completed the performance of their duties. When their report shall have been made to the court of common pleas, and affirmed, in whole or in part, by that court, it will be the duty of the Governor to claim the payment of the amounts from the General Government, and on failing to secure the same, then to report to the next Legislature, recommending such action as he may deem just and proper.

The expenses of the Transportation and Telegraph Department, during the past year, have been as follows:

Paid (out of appropriation made by military loan, act of 1861), .....	\$13,658 87
Unpaid (the appropriation being exhausted), .....	15,764 79
Outstanding liabilities estimated at, ....	5,000 00
	<hr/>
	34,423 66
	<hr/> <hr/>

These expenses have been mainly incurred in keeping up the necessary correspondence of the military departments, and in the transportation of sick and wounded and the dead bodies of our volunteers, as will be seen by the report of the Chief of Transportation, herewith communicated. I recommend an appropriation to meet the deficiency, and also to carry on the service of this department hereafter.

By the thirteenth section of the act of the 15th May, 1861, the sum of \$20,000 was appropriated to be expended by the Governor, for the compensation of such persons as he might require to serve the Commonwealth in the military organization of the State or the General Government, and for the expenses in-



cident to the business in which they might be employed.

I have, according to law, settled annual accounts of the expenditure of this fund in the Auditor General's office, to which the Legislature is referred. The unexpended balance is now \$4,521 98. A further sum should be appropriated in like manner. Out of this fund, I have paid the persons whom I found it necessary to employ in the military department, and the expenses of the agency which I was compelled to establish at Washington to attend to the interest and welfare of our volunteers. The continuance of this agency, and the establishment of a similar one in the west, are of vital importance to them. I recommend the passage of an act authorizing the appointment of agents at Washington and Nashville, and defining their duties, which should include the collection of all bounties, back pay, pensions, &c., due to Pennsylvanians.

On this subject I refer the Legislature to the report of Colonel R. Biddle Roberts, late agent of the State, at Washington, herewith communicated, and commend it to your careful examination.

On the invasion of the State during the last summer, the President made a call for militia, and with his assent, I subsequently made a call for volunteer militia for the defence of the State. Under these calls, men were assembled and organized with promptness, after the reality of the emergency came to be understood by our people. The General Government clothed and subsisted this force, and agreed to pay it, but as no appropriation for that purpose had been made by Congress, the President and Secretary of War promised if the money should be advanced from other quarters to recommend its immediate re-payment on the meeting of Congress. It is understood that steps have been already taken to fulfil this pledge. Several of



the banks cheerfully and readily advanced the necessary funds to the amount of \$671,476 43, on my promise to recommend to the Legislature an appropriation to re-pay them in case Congress should fail to make one. I accordingly make that recommendation most emphatically. Should it be necessary, I will hereafter, in a special message, give the details and correspondence relating to this subject.

New York and New Jersey, under the President's call, sent regiments to assist in our defence, for which are thanks are due to those States, our good neighbors.

After the battle of Gettysburg, in which loyal volunteers from eighteen States, including Pennsylvania, were engaged, it appeared to me proper that all those States should unite in establishing a cemetery on the spot, in which their soldiers who had fallen in that conflict, should be honorably interred. I accordingly appointed David Wills, Esq., of Gettysburg, my agent, and through him, a site was purchased at a cost of \$2,475 87, and the conveyances made to the Commonwealth. On communicating with the authorities of the other States, they all readily agreed to become parties to the arrangement, and on the 19th day of November last, the cemetery was dedicated with appropriate ceremonies in the presence of the President of the United States, the Governors of the States concerned, and other high officers, State and National. On the 19th day of December, on the invitation of Mr. Wills, commissioners representing the States interested in the cemetery, met in Harrisburg and agreed upon a plan for its improvement and care in the future, and the apportionment of the sum of money required, to the several States, which is herewith communicated. The expenses attending the establishment of this cemetery, including the cost of the site and of removing the bodies of the slain, have thus far amounted to \$5,209 38, and an appropriation will



be required to pay these expenses, and to meet our portion of those attending its future maintenance. It will appear by the proceedings of the commissioners that their due proportion of the expenses already incurred are to be refunded by the States on whose account they were made. It is just to say that Mr. Wills has discharged his delicate and important duties with fidelity and to my entire satisfaction.

The act for the relief of families of volunteers in service may require some revision. It is alleged that in some parts of the State the county authorities are backward in executing the law. If this be so, the members from the different counties will be aware of the fact, and will be most ready to make such further enactments as may be proper.

I commend to the prompt attention of the Legislature the subject of the relief of poor orphans of our soldiers who have given, or shall give their lives to the country during this crisis. In my opinion, their maintenance and education should be provided for by the State. Failing other natural friends of ability to provide for them, they should be honorably received and fostered as children of the Commonwealth. The \$50,000 heretofore given by the Pennsylvania railroad company, referred to in my last annual message, is still unappropriated, and I recommend that this sum, with such other means as the Legislature may think fit, be applied to this end, in such manner as may be thought most expedient and effective. In anticipation of the adoption of a more perfect system, I recommend that provision be made for securing the admission of such children into existing educational establishments, to be there clothed, nurtured and instructed at the public expense. I make this recommendation earnestly, feeling assured that in doing so, I represent the wishes of the patriotic, the benevolent and the good, of the State.



I invite the attention of the Legislature to the condition of the loyal people of East Tennessee, which is represented to be most deplorable, and appeals with irresistible force alike to your sympathies and your sense of justice. Their whole country has been laid waste by the contending armies of the Government and the rebels. Four times large armies have passed over that district, destroying or carrying off all that had been gathered for the approaching winter, and now the women and children are left in a state of destitution.

The representations made by sundry gentlemen of the highest respectability, from that State, are of the most heart rending character. Starvation, actual and present, now exist. Can we, in the midst of affluent abundance, for a moment hesitate as to what our action shall be towards the people whose only crime has been their loyalty and devotion to the Government? Even if a portion of our charity should reach the starving families of those in sympathy with the rebellion, better it should than that these devoted, self-sacrificing people who have so unhesitatingly adhered to the Government, be left to suffer. Whenever pestilence and famine distressed the people of any portion of our country, we have always been foremost in relieving them, and the people of Pennsylvania have extended their open handed benevolence and broad charity to the starving people of foreign countries. Shall it be said that the appeals of these people for bread fell upon the heart of Pennsylvania in vain, and that we who have so recently given thanks for our abundance have no relief for them in their extremities? I recommend the subject through you to the people of the State, as worthy the immediate attention and active exertions of the charitable and the liberal.

I should be glad if the Legislature would make a gen-



eral revision of our revenue laws, with a view to their increased productiveness. It ought to be observed that for a period of more than twenty years, no material change has been made in the revenue laws of this Commonwealth. During that time some interests have grown into new importance, and should be made to bear their just proportion of the public expense, since all taxation should as far as possible, press equally upon the property and employments of our people.

Failing such revision, I recommend to the consideration of the Legislature the following suggestions connected with the subject:

1. There are several companies in the State which, in addition to large mining privileges, have the control of the routes of transportation, by which alone the products of the mines of individuals in their respective districts, can reach a market. These companies thus enjoy substantial monopolies, by means of which they not only receive the fair profits of their own property, but are enabled to make additional heavy gains at the expense of individuals. In my opinion such privileges ought never to have been granted, but as they exist it appears to be just that the class of companies which enjoy them, should pay therefor an additional specific tax.

2. Very large sums are due to the Commonwealth for unpatented lands. Forbearance, clemency and liberality have been in vain tried in the numerous attempts to procure the payment of at least a part of this debt, from the larger portion of those who are indebted on that account. The continuance of this state of affairs is unjust to the Commonwealth, and to the vast majority of her people who have honestly paid for their lands. It has become unendurable. I recommend that the Legislature provide that the Surveyor General shall file of record, in the court of



common pleas of each county, a description of the lands subject to the lien of the Commonwealth for purchase money, and a statement of the amount of principal and interest now due to the Commonwealth, together with the patent fees on each tract, and ten per cent. on the amount so due, for the labor and cost of making and filing each statement; and the aggregate amount thus stated, for each tract, shall be held to be the amount now due thereon to the Commonwealth, which shall bear interest at the rate of twelve per cent. per annum, till paid, and shall continue to be the first lien on the land, till paid, and shall not be divested by any judicial or other sale whatever. I also recommend that the adoption of a suggestion contained in the Surveyor General's report, that a specific tax be laid on all unpatented lands.

3. By existing laws municipal corporations are required to deduct and pay into the Treasury the tax on all loans contracted by them. It is believed that a large addition would accrue to the revenue by the extension of this provision to all counties, and to all corporations, private or public. I recommend that it be so extended.

4. A tax on the gross receipts of all railroad and canal companies would, it is believed, be productive and not oppressive.

Upon satisfactory reports, according to law, made by Colonel John A. Wright, I have drawn my warrants for the delivery to the Philadelphia and Erie railroad company of another million of the bonds deposited in the State Treasury. Four millions of said bonds have therefore been now delivered. There can be no reasonable doubt of the early completion of the work, and when completed, it is confidently expected that the bonds held by the State, secured on the road for \$3,500,000, will become good interest-paying securities.

I renew most earnestly the recommendation made



in my last annual message of a revision of the militia laws. They are at present shamefully defective. Indeed, if by a militia law is meant a law intended to provide for so enrolling and organizing the military force of the State that it may be put into service when required, we may be said to have no militia law. In each of the last two years I have been obliged to call out the militia, but in fact those who obeyed the call were volunteers, and, with some exceptions, were wholly unorganized, so that almost in face of the enemy, time had to be consumed in distributing the men into companies and regiments, in electing officers, and in other preparations for effective organization.

In the report of the Adjutant General will be found a list of the Pennsylvania regiments, and a statement showing the several armies and departments in which they are now serving. In this connection I suggest the propriety of legislative authority being given for the preparation of a history of each of our regiments and other organizations, to be preserved among our archives. The necessary documents are now accessible, and as they may in time be lost or destroyed, the making of such a record as I propose should not be deferred. It is due alike to the living and the dead that this subject should be promptly acted on.

I recommend that the proposed amendments to the Constitution, giving to citizens in the public service out of the State, the right to vote, be passed promptly and submitted to a vote of the people at as early a day as possible, so that such citizens may exercise their right of suffrage at all future elections. This would be only doing justice to the brave men who are periling their lives in our defence.

It is highly important that we should replenish the ranks of our regiments in the field and supply the places of those volunteers whose terms will soon expire and who may decline further service. I am happy



to say that a large proportion of our regiments are re-enlisting. Efforts are making by myself and by the people in various portions of the State to procure a sufficient number of volunteers, and with a promise of success, provided a reasonable time be allowed for the purpose. Meanwhile persons professing to be officers and agents from some other States are most improperly endeavoring to seduce our citizens into their service by extravagant bounties and promises.

The twelfth section of the act of 15th May, 1861, prohibits any volunteers from leaving the State without the authority of the Governor, and I now recommend the passage of a law imposing penalties by fine and imprisonment on all individuals who shall endeavor to procure or aid, and assist in procuring any person in this State to enlist in the volunteer service of any other State. Many of our counties and townships have filled their quotas at a large expense, and in others they are in course of doing the same by offers of liberal bounties and provisions for the families of volunteers, and it is not right that these patriotic efforts should be embarrassed by interference from beyond our borders, especially as we cannot in these circumstances offer bounties by the State, without the injustice of compelling the counties and townships which have already contributed largely in that way, to assist in paying, by taxation, for the deficiency of others.

I feel it to be my duty to call your attention to the pernicious practice of leaving many bills to be hurried through at the close of the session. During the last ten days of the last session, three hundred and ninety bills were presented for my signature, many of them of the most important character. The whole number of bills presented to me during the session, was seven hundred and fifteen. In consequence of this habit, not only are bills passed without an opportunity to



either House for a proper consideration of their provisions, but the Executive is compelled either to sign them without examination, or to hold them over perhaps to the public inconvenience. It may often happen that a bill not approved by reason of a single obnoxious clause, might if there were time, be re-passed, omitting the objectionable provision. In connection with the subject of legislation, I must refer to another mischief. General laws have been passed to give relief in certain cases which formerly required a special act in each case. As for instance, the sale of lands by executors, administrators and trustees, the adoption of children, the creation of mining and manufacturing corporations, and so forth. These laws were passed to ensure such an examination in each case as would enable justice to be done to the parties and to the public, and also to save the time and expense consumed in private legislation. They have hitherto effected neither purpose, but I do seriously urge on the Legislature the consideration that whoever applies for a special act under such circumstances must either fear the result of an impartial inquiry, or (if the application be for a charter) must desire the omission or insertion of some provision contrary to what the Legislature has determined, after mature consideration, to be just and legitimate.

I refer to the Auditor General's and State Treasurer's reports for the details of our financial affairs, and to the reports of the Surveyor General, Adjutant General, Quartermaster General, Commissary General, Surgeon General, Agent at Washington, Chief of Transportation and Telegraph Department, and Superintendent of Common Schools, in regard to their several departments.

In May last it was believed from information received, that General Lee intended to invade this State. Communications on the subject were immediately sent



to Washington, urging that preparations for effective defence should not be delayed. Accordingly the War Department erected two new military departments, viz: The Department of the Monongahela, including that portion of the State lying west of the mountains, to be commended by Major-General Brooks, and the Department of the Susquehanna, comprising the remainder of the State, and to be commanded by Major-General Couch.

Early in June, Major-General Couch arrived at Harrisburg and assumed command of his department, which he has since exercised with the soldier-like promptness, energy and discretion which were to be expected from his known character.

The rebels having actually entered the State in some force, and the approach of their whole army being imminent, the President made a requisition for militia from this and some of the neighboring States, and several regiments from New York and New Jersey were promptly sent, and our own volunteer militia began to assemble, but some embarrassments arising, the President assented to a call by the Executive of the State, which was accordingly made. Under these calls 5,166 of the men of Pennsylvania were assembled in the department of General Brooks, and 31,422 in that of General Couch. To give the details, or even a summary of the operations which ensued, would be impracticable within the limits of a message. It is unnecessary to do so, as I have recommended the adoption of measures for preserving the history of our several regiments and other organizations, and in that history the events to which I have referred will be recorded. It is due, however, to the men who came forward, that I should say now that they made long and laborious marches, in parts of this and other States which had been plundered by the rebels, suffered great privations, and were frequently in conflict



with the enemy; and on all occasions acted in obedience to military discipline and orders, and with courage and endurance.

Some of the militia called in 1862 and in 1863, were killed and other disabled. In all these cases, where there are no laws for the relief of these men or their families, I recommend the enactment of a law for that purpose.

The campaign on our soil was closed by the victory of Gettysburg, gained by the veteran Army of the Potomac, under the command of Major General Meade, the officers and men of which displayed all their accustomed valor and endurance in the conflict, and in the forced and rapid marches which immediately preceded it.

Under Divine Providence, to them and to the military genius and unsurpassed energy of General Meade, and the promptness and self-sacrificing gallantry of General Reynolds, we are indebted for success on that bloody field.

We are proud to claim Generals Meade and Reynolds as sons of our own Pennsylvania.

The first lives to enjoy the most precious of all rewards, the grateful appreciation of his countrymen. The latter fell in the very front of the battle, and we can only pay homage to his memory. Whatever honors have been at any time devised to commemorate the virtues of a patriot—of a true, fearless, loyal citizen and soldier, he has abundantly deserved.

His surviving companions in arms claim the right of themselves erecting a monument to him on the field on which he fell, and it would not be well to interfere with their pious intention. But I hope that the Legislature will place upon the records of the State some appropriate testimony of the public gratitude to him and his surviving commander.

It would be unjust to omit referring again to the











commodious rooms were secured at a rent not exceeding the amount allowed, and sufficiently central in location, to answer all the purposes of an office for the Agent, the Assistant Quartermaster and the Assistant Surgeon General, and of easy access to the public.

The duties of the Agent are numerous and perplexing. Every one, be he soldier or civilian, who is in Washington and in any strait, applies to the Agent.

Being fully advised of your wishes, I devoted my time always first to the soldier, but in many instances the desires of the civilian were so blended with the welfare of the soldier, as to render attention to the former indispensable to the discharge of duty to the latter.

The officer who has been dismissed the service, whether properly or improperly—the soldier sick in hospital, in want of a furlough, of a transfer, of pay, clothing or a descriptive list—the paroled prisoner searching for his exchange or his regiment—the widow in quest of her late husband's back pay and her pension—the anxious wife, parent or other relative, in quest of some lost one who has given up his life in the field, and no one can tell where—the friend or relative searching through endless wards of the Washington hospitals for the wounded and the sick, or returning with the remains of the gallant slain, receiving the transportation given by the State—all expect, and rightfully expect, to find in the State Agent a friend, an adviser, a counsellor, an assistant who will at once facilitate them in the discharge of duties so important and so sacred. How difficult such duties thus become, can only be understood by those who have attempted them.

Early during the year your Excellency directed me to inquire and report to you upon the expediency and propriety of making such arrangements as would enable the State Agent to collect for the soldier his back pay and bounty, or secure for the surviving relatives the pensions and other compensations allowed by the acts of Congress; accordingly, I made a full examination of the work of the other States in this behalf, and made an informal report, which, while it did not advise any definite course, was such as to indicate that, until the Legislature took some action upon the subject, it was not in your Excellency's power, under present appropriations, to direct the Agency to be so conducted.

Some of the smaller States have already authorized their agents to make collections, and they are so engaged, and it will perhaps become a matter of severe comment that Penn-



sylvania, always foremost in the work of aiding her soldiers, and foremost in the establishment of an Agency at Washington, should not be the first in this work, but permits her men to be put to the expense of collecting their own claims, leaving them a prey to the sharpers who hang about the Metropolis, ready at any instant to fleece the generous, unguarded and unsuspecting defender of the country, of his last dollar, by means of false representations, securing from him a power of attorney to draw his money and robbing him of it.

I do not wish to be misunderstood as finding fault with gentlemen who are engaged as claim agents, many of them highly estimable and entirely worthy of confidence, and engaged in a legitimate business, but there is here a class of men who, without an office, or the semblance of business, hang about the streets, form the acquaintance of the soldier who, perhaps, just discharged, sick and worn out in the service—doubly homesick from the chance there seems of his getting there—or who, perhaps, has his first furlough, after months of service, and who, while in this frame of mind and body, is easily imposed upon, the so-called agent securing his confidence, affects to aid him in doing that which could as well have been done without him, and secure from his victim an exorbitant compensation or authority to collect in his absence, and not unfrequently closes the transaction by sending his victim away intoxicated and degraded, who probably in a few hours finds himself in the guard-house, penniless and friendless.

To protect from such imposition and wrong, it seems but justice that the State should make such provision, through her Agency, as will secure to the soldier the full amount of his hard earnings—gallantly won, they should be sacredly secured to him. And the claims of the widow and the orphans are not less sacred. They have been deprived, through the necessities of the Government, of their natural protector. Should not the State provide means by which they can secure the pension guaranteed to them as part of the contract of enlistment, without expense or without having it virtually decreased by the charge of attorneys and agents employed to collect the same? Surely it should be so.

If your Excellency should agree with me in this respect, and should be of opinion that the Agency should be so employed, it is proper for me to say that liberal appropriations will have to be made for this purpose. The expense of living in Washington is so great that the salaries paid will have to be in proportion; and the Agent will require at least two



clerks, in addition to the aid of the Assistant Quartermaster and the Messenger, now allowed.

For a detailed statement of furniture, blanks, expenses, &c., I respectfully refer to my former report on this subject.

Much of the time of the Agent is taken up by civilians coming from Pennsylvania, some wishing to visit friends in the army, some desiring employment at Alexandria, and all requiring to go where it is requisite they should have Government passes. They come totally unaccredited, and the officers here decline to issue passes. They then apply to the State Agent, and very frequently grow at once indignant if he does not instantly certify to their loyalty and good standing. Twice during the summer I called the attention of the public, through the medium of the Associated Press, to the necessity that existed for every one coming to Washington armed with some evidence of their loyalty. Yet, this evil still continues, to the annoyance of the Agent and great inconvenience of the party wishing to go forward. Public attention should be invited to this matter, as many instances of great hardship and useless expense occur, for want of a knowledge of the requirements of the service.

I desire to express my acknowledgments for kindly aid and assistance, to the "Pennsylvania Relief Association." They have constantly, during the time I have had an opportunity of observing their operations, aided in every way in their power, in the distribution of money and supplies, not only to the soldier, but to those dependent upon him. This was a private charity, and was an honor to our State. I regret that the want of supplies will probably compel them to discontinue much of the good they have heretofore done, which is truly to be regretted. I am also under obligations to the Sanitary Commission for similar favors.

Your Excellency is aware, that acting under orders, I have been absent from Washington frequently. During the advance of the Rebel army into Pennsylvania, in June and July last, I was absent at Philadelphia for several weeks assisting in mustering and sending forward troops, and at other times, in the discharge of other duties, was compelled to be away. During such times, the duties of the Agency were discharged by Major James Gilliland, Assistant Quartermaster, with fidelity and ability, and my acknowledgments are due to him for the same.

In closing this report, I beg to say that I make the foregoing



suggestions with regard to the future operations of this Agency, with the more freedom, as I am encouraged to hope that your Excellency will accede to my often expressed wish to be relieved from the onerous duties here, and re-assigned to my former duties at Harrisburg, where, I feel satisfied, I can be of more service to the State.

All of which is respectfully submitted.

Very respectfully,

Your obedient servant,

R. BIDDLE ROBERTS, A. D. C.

#### Meeting of the Gettysburg Cemetery Commissioners.

The Commissioners appointed by the Governors of the different States, which have soldiers buried in the Soldiers' National cemetery, at Gettysburg, Pa., met at the Jones House in Harrisburg, Pa., at 3 o'clock, P. M., on the 17th of December, 1863.

The following named Commissioners were present, viz:

Hon. B. W. Norris, of Maine.

Hon. L. B. Mason, of New Hampshire.

Mr. Henry Edwards, of Massachusetts.

Mr. Alfred Coit, of Connecticut.

Hon. Levi Scobey, of New Jersey.

Mr. David Wills, of Pennsylvania.

Col. James Worrall, of Pennsylvania.

Col. John S. Berry, of Maryland.

Mr. L. W. Brown, of Ohio.

Col. Gordon Lofland, of Ohio.

Col. John G. Stephenson, of Indiana.

Mr. W. Y. Selleck, of Wisconsin.

On motion of Col. Lofland, of Ohio, Mr. David Wills, of Pennsylvania, was elected Chairman of the Convention.

On motion of Col. Stephenson, of Indiana, Mr. W. Y. Selleck, of Wisconsin, was elected Secretary of the Convention.

After some discussion by the members of the Convention, Col. Stephenson, of Indiana, moved that a committee of four be appointed for the purpose of preparing and putting in appropriate shape the details of the plan in reference to the Soldiers' National cemetery, at Gettysburg, Pa., to be presented to the Convention for their action, which was carried. The committee was appointed as follows:

Chairman, Col. John G. Stephenson, of Indiana; Mr. Henry Edwards, of Massachusetts, Mr. David Wills, of Pennsylvania, Hon. Levi Scobey, of New Jersey.







the dead, and finishing the cemetery under directions of the cemetery corporation.

Fifth. When the cemetery shall have been finished, the grounds are to be kept in order, the house and enclosures in repair, out of a fund created by annual appropriations made by the States which may be represented in the cemetery corporation, in proportion to their representation in Congress.

On motion of Col. Berry, of Maryland, the report of the committee was accepted, and the committee discharged.

It was moved by Col. Berry, of Maryland, that the report of the committee be considered seriatim, which was concurred in, and the report was then adopted in detail.

Letters from the Governors of the following States were received by Mr. Wills, Chairman of the Convention, which were not represented by Commissioners, expressing their disposition to approve of any reasonable action of the Convention, in reference to the completion of the cemetery, at Gettysburg, Pa., viz:

Hon. Horatio Seymour, of New York.

Hon. Austin Blair, of Michigan.

Hon. James Y. Smith, of Rhode Island.

Hon. Wm. Cannon, of Delaware.

Hon. Henry G. Swift, of Minnesota.

On motion of Mr. Scobey, of New Jersey, the following committee was appointed by the Chairman, with a view to procure designs of a monument to be erected in the cemetery:

Hon. Levi Scobey, of New Jersey.

Hon. B. W. Norris, of Maine.

Mr. D. W. Brown, of Ohio.

Col. J. G. Stephenson, of Indiana.

Col. John S. Berry, of Maryland.

On motion of Mr. Alfred Coit, of Connecticut, the plans and design of the Soldiers' National cemetery, as laid out and designed by Mr. Wm. Saunders, was adopted by the Convention.

A motion was made by Mr. Alfred Coit, of Connecticut, returning a vote of thanks to Mr. Wm. Saunders, for the designs and drawings furnished gratuitously for the Soldiers' National cemetery at Gettysburg, Pa.; which was unanimously adopted.

Mr. Brown, of Ohio, offered the following; which was adopted:

Resolved, That Mr. Wm. Saunders be authorized to furnish



forty photographs of the plan of the Soldiers' National cemetery, for the use of the States having soldiers buried therein.

David Wills, President.

W. Y. Selleck, Secretary.

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To the Assembly Vetoing "An Act to Extend the  
Charter of the Bank of Montgomery County."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last Legislature a bill was presented for my approval, entitled "An Act to extend the charter of the Bank of Montgomery County." Since this bill came to my hands I have received from citizens, and men of business, in Montgomery county, communications, alleging that the bank is not so conducted as to be beneficial to the community in which it exists. These representations are so strong, and come from citizens of such character and standing, that I do not feel at liberty to disregard them. I therefore return the bill to the Senate, in which it originated, without my signature.

It is proper to add, that counter representations have been received from citizens friendly to the bank. The Executive has not convenient means, nor would there now be time to examine into contested facts. If it should be the pleasure of the Legislature, before proceeding to re-consider the bill, to investigate the truth of the complaints made against the bank, I shall be most happy to afford them access to the papers on file in this Department.

A. G. CURTIN.



To the Assembly Vetoing "An Act Relative to Market Companies."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 612, of the session of 1863, entitled "An act relative to market companies," with my objections to the same.

There are many companies in the Commonwealth which own lands, and carry on some business connected with them. Our established system is that such companies should pay a tax on their lands as individuals do, and should also pay a tax on their dividends or capital stock, by reason of the corporate privileges which they have found it convenient to obtain. I can find no principle on which market companies could be exempted from this regulation without doing injustice to other companies.

To exempt all companies in like manner, would be, in my opinion, to needlessly throw away a large revenue. The tax on corporate privileges for the present year amounts to \$438,622 96, of which a considerable portion is derived from capital invested in real estate.

I therefore return this bill without my approval.

A. G. CURTIN.







The price to be paid for the advertising of the lists of retailers of foreign merchandize is fixed at a reasonable and adequate rate, by a general law which regulates it throughout the State. To enact a special law establishing a different and greater price in the city of Philadelphia alone, would, in my opinion, be doing an injustice to the Commonwealth, and to the proprietors of newspapers in other parts of the State. It is obvious that this bill, if enacted into a law, would increase greatly, in the city of Philadelphia, the costs of the advertisements in question.

I therefore return this bill without my approval.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Relating to the Entry of Judgments in Bucks County."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 278, of the last session of the General Assembly, entitled "An Act relating to the entry of judgments in Bucks county."

This bill proposes to establish for Bucks county a different rule for the entry of judgments or transcripts of judgments in that county from that which is established in the other counties of the State. I think that the laws on this subject ought to be the same throughout the Commonwealth. If there have been, by mistake, mis-entries of judgments in Bucks county, I should have no objection a bill making valid those heretofore made.

I return this bill without my approval, for the reasons above given.

A. G. CURTIN.



To the Assembly Vetoing "An Act Authorizing the Surviving Trustees of William Young's Burial Ground to Exchange and Sell Certain Parts There of."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, a bill presented for my approval on the 13th day of April last, entitled "An Act authorizing the surviving trustees of William Young's burial ground to exchange and sell certain parts thereof." This bill proposes to authorize the surviving trustees of a private burial ground to exchange or sell such portions of the same as they may deem best for those interested therein. If the courts have power to grant this authority, the trustees can apply to them to obtain it, upon proper inquiry and examination and a hearing of the parties interested in feeling. If they have not, I cannot approve the granting of it by special legislation. I think that such legislation would be unjust to the living and disrespectful to the remains of the dead.

I therefore return this bill without my approval.

A. G. CURTIN.

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To the Assembly Vetoing "A Supplement to an Act Incorporating the Borough of Bethlehem, in the County of Northampton."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**T**HE GENERAL ASSEMBLY, AT ITS LAST SESSION, within ten days of the adjournment, presented for my approval, a bill, entitled "A supplement to an act incorporating the borough of Bethlehem, in the county of Northampton."



This bill provides that (subject to the approbation of a majority of the qualified electors of the borough) all property, real, personal or mixed, now subject to State or county taxation, shall also be liable to taxation for borough purposes, in the borough of Bethlehem.

I am of opinion that the subjects of borough taxation are already as extensive as is consistent with the welfare of the people, or with a wise and just feeling on the part of the Commonwealth.

I should therefore not approve a bill for enlarging these subjects; still less can I approve this bill, which in doing so, as regards the borough of Bethlehem, makes an invidious distinction, by giving to the authorities of that borough powers which are denied to those of all other boroughs in this Commonwealth.

I therefore return this bill to the Senate, in which it originated, without my approval.

A. G. CURTIN.

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To the Assembly Vetoing "A Further Supplement to the Act to Incorporate the Borough of Marietta."

Executive Chamber,  
Harrisburg, January 7, 1864.

Gentlemen:—

**W**ITHIN TEN DAYS OF THE ADJOURNMENT of the last Legislature, a bill was presented for my approval, entitled "A further supplement to the act to incorporate the borough of Marietta."

This bill proposes to authorize the authorities of the borough of Marietta to levy a tax of four cents per ton on all iron ore carried through any of the streets of the borough, in wagons hauled by more than two horses or mules.







On the whole, the bill is so imperfect and ambiguous that I have determined to return it without my approval, especially as it is intended to protect a class of men who ought not to be driven to litigation to obtain a judicial construction of doubtful claims.

I hope that the Legislature will pass a bill on this subject, the provisions of which will be better considered.

A. G. CURTIN.

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Inaugural Address to the Assembly.—1864.

Fellow-citizens of the Senate and House of Representatives:

**C**ALLED BY THE PARTIALITY OF MY FELLOW-citizens to the office of Governor of Pennsylvania for another term, I appear before you to solemnly renew the prescribed obligation to support the Constitution of the United States and the Constitution of the State of Pennsylvania, and to discharge the responsible trust confided to me with fidelity.

When first summoned before you, three years ago, to assume the sacred duties of the Executive office, the long gathering clouds of civil war were about to break upon our devoted country. For years, treason had been gathering in might—had been appropriating to its fiendish lust more and more bountifully of the nation's honors—had grown steadily bolder in its assumption of power until it had won the tolerance, if not the sanction, of a formidable element of popular strength, even in the confessedly loyal States. The election of a President in 1860, in strict conformity with the Constitution and the laws, though not the cause, was deemed the fit occasion for an organized



attempt to overthrow the whole fabric of our free institutions, and plunge a nation of thirty millions of people into hopeless anarchy. The grave offence charged against the President elect seemed alone to consist in his avowed fidelity to the Government, and his determined purpose to fulfil his solemn covenant to maintain inviolate the Union of the States. When inaugurated, he found States in open rebellion, disclaiming allegiance to the Government, fraudulently appropriating its property and insolently contemning its authority.

Treason was struggling for supremacy in every department of administrative power. In the Cabinet it feloniously disarmed us—our arsenals were robbed to enable the armies of crime to drench a continent in fraternal blood—our coasts were left comparatively defenceless, to fall an easy prey to traitors—our navy was scattered upon distant seas to render the Republic helpless for its own protection—officers, educated, commissioned and sworn to defend the Government against any foe, became deserters, defied Heaven in shameless perjury, and with fratricidal hands drew their swords against the country of their allegiance, and when treason had thus completed its preparations, wanton, wicked war was forced upon our loyal people.

Never was war so causeless. The North had sought no sectional triumph, invaded no rights, inflicted no wrongs upon the South. It aimed to preserve the Republic, not to destroy it, and even when rebellion presented the sword as the arbiter, we exhausted every effort consistent with the existence of our Government to avert the bloody drama of the last three years. The insolent alternative presented by treason of fatal dismemberment or internecine war, was met by generous efforts to avert the storm of death which threatened to fall; but the leaders of the rebellion spurned peace, unless they could glut their infernal ambition



over the ruins of the noblest and freest Government ever devised by man.

Three years of bloody, wasting war, and the horrible sacrifice of a quarter of a million lives attest the desperation of their purpose to overthrow our liberties. Mourning and sorrow spread over the entire nation, and defeat and desolation are the terrible trophies won by the traitor's hand. Our people have been sorely tried by disasters, but in the midst of the deepest gloom they have stood with unfaltering devotion to the great cause of our common country. Relying upon the ultimate triumph of the right, they have proved themselves equal to the stern duty, and worthy of their rich inheritance of freedom. Their fidelity has been well rewarded. In God's own good time, He has asserted His avenging power; and as this war is now persisted in by the leaders of the rebellion, it has become evident, that slavery and treason, the fountain and stream of discord and death, must soon share a common grave.

In this struggle for our honored nationality, Pennsylvania has won immortal fame. Despite the teachings of the faithless and the hesitation of the timid, she has promptly and generously met every demand made upon her, whether to repel invasion or to fight the battles of the Union, whenever and wherever her people were demanded. Upon every field made historic and sacred by the valor of our troops, some of the martial youth of Pennsylvania have fallen. There is scarce a hospital that has not been visited by our kind offices to the sick and wounded; there is not a department in which brave men do not answer with pride to the name of our noble State, and while history endures, loyal hearts will turn with feelings of national pride to Gettysburg, where the common deliverance of Pennsylvania and the Union will stand recorded in the unsurpassed glory of that bloody field.



I need hardly renew my pledge, that during the term of office on which I am about to enter, I will give my whole moral and official power to the prosecution of this war, and in aiding the National Government in every effort to secure early and complete success over our malignant foes.

For the preservation of our national life, all things should be subordinated. It is the first, highest, noblest duty of the citizen—it is his protection in person, property, and all civil and religious privileges; and for its perpetuity in form and power, he owes all his efforts, his influence, his means, and his life. To compromise with treason, would be but to give it renewed existence, and enable it again to plunge us into another causeless war.

In the destruction of the military power of the rebellion is alone the hope of peace; for while armed rebels march over the soil of any State, no real freedom can prevail, and no governmental authority, consistent with the genius of our free institutions, can properly operate.

The people of every State are entitled under the Constitution to the protection of the Government, and to give that protection fully and fairly, rebellion must be disarmed and trodden in the dust. By these means, and these alone, can we have enduring union, prosperity and peace. As in the past, I will in the future, in faithful obedience to the oath I have taken, spare no means—withhold no power which can strengthen the Government in this conflict. To the measures of the citizens chosen to administer the National Government adopted to promote our great cause, I will give my cordial approval and earnest co-operation. It is the cause of constitutional liberty and law.

Powers which are essential to our common safety that the Executive will be faithless, and held guilty



should now be wisely and fearlessly administered, and before the world, who should fail to wield the might of the Government for its own preservation.

The details of my views on the measures which I recommend are contained in my recent annual message, and need not here be repeated.

I beg to return to the generous people of my native State my hearty thanks for their unfaltering support and continued confidence. They have sustained me amid many trying hours of official embarrassment. Among all these people, to none am I more indebted than to the soldiers of Pennsylvania, and I here pledge to those brave men my untiring exertions in their behalf, and my most anxious efforts for their future welfare, and I commend here, as I have frequently done before, those dependant upon them, to the fostering care of the State.

I cannot close this address without an earnest prayer to the Most High that He will preserve, protect and guard our beloved country, guiding with Divine power and wisdom, our government, State and National; and I appeal to my fellow-citizens, here and elsewhere, in our existing embarrassments, to lay aside all partizan feelings, and unite in a hearty and earnest effort to support the common cause which involves the welfare of us all.

Gentlemen of the Senate and House of Representatives, I pray you, in God's name, let us, in this era in the history of the world, set an example of unity and concord in the support of all measures for the preservation of this great Republic.

A. G. CURTIN.



To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Executive Chamber,  
Harrisburg, January 20, 1864.

Gentlemen:—

**I** FEEL IT TO BE MY DUTY TO INVITE YOUR attention again to the necessity of prompt legislation on the subject of the payment of the interest which will fall due on the 1st day of February. It is understood that the banks at the large commercial points in the State have so reduced their circulation that they can at any time redeem it in coin, and will no doubt do so if the act of 1862 be left in force. This will leave few, or no banks, subject to that act, except those in the interior, whose circulation is large, and who cannot redeem it. To apportion the premium in gold on the half year's interest, would probably render them bankrupt and would not procure the necessary amount. Going into more detail than was necessary in my annual message, I would observe that the interest on certain loans to a small amount (say less than \$6,500,000) is by the provisions of the acts creating them, required to be paid in specie. These are called the inclined plane loan and the coupon loans, and they were created under the acts of 10th of April, 1849, 2d of April, 1852, 4th of May, 1852, and 19th of April, 1853. The annual interest on them is less than \$330,000. This interest I recommend to be paid in coin, or its equivalent, so as not to show an unwillingness to comply with even an obligation that might be considered doubtful.

I cannot, however, omit calling your attention to the fact that the insertion in the acts referred to, of the stipulation for payment of interest in specie, appears to demonstrate that the construction put by me on the extent of the obligation under the loan acts not containing such stipulation is correct.



The loans under the last mentioned acts form the great mass of our public debt, and amount to more than \$33,000,000.

The balance in the Treasury on the 1st of December last was less than \$2,200,000. To pay the interest on the 1st of February, in coin, will require probably more than \$1,500,000, and on the first Monday of March the sum to be paid to the banks, on their specie certificates, under act of 30th of January, 1863, will, at the present price of gold, be more than \$1,000,000. This will probably exhaust the funds of the Commonwealth, and leave the Treasury for the time without the means to defray the extraordinary expenses of government, to say nothing of the large extending payments already directed by law.

I do, again, most earnestly recommend immediate action on the subject.

A. G. CURTIN.

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To the Senate Giving Notice of the Appointment of  
Eli Slifer to be Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 20, 1864.

To the Hon. John P. Penney,  
Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE THAT I have this day appointed and commissioned Eli Slifer to be Secretary of the Commonwealth, agreeably to the eighth section of the second article of the Constitution.

I have the honor to be, Sir,  
Your obedient servant,

A. G. CURTIN.



To the Senate Giving Notice of the Appointment of  
William M. Meredith to be Attorney General.

Executive Chamber,  
Harrisburg, January 20, 1864.

To the Hon. John P. Penney,  
Speaker of the Senate:

Sir:—

**B**E PLEASED TO INFORM THE SENATE THAT I  
have this day appointed and commissioned Wil-  
liam M. Meredith to be Attorney General of the  
Commonwealth, agreeably to the provisions of the  
act approved April 21, A. D. 1857.

I have the honor to be, Sir,  
Your obedient servant,

A. G. CURTIN.

To the Assembly Transmitting a Document Relative  
to the Navigation of the Ohio River.

• Executive Chamber,  
Harrisburg, January 29, 1864.

Gentlemen:—

**I**N COMPLIANCE WITH THE REQUEST OF HIS  
Excellency, the Governor of West Virginia, I have  
the honor to herewith transmit a copy of certain  
resolutions relating to the navigation of the Ohio river,  
adopted by the Legislature of that State on the 24th  
day of October, 1863.

A. G. CURTIN.

JOINT RESOLUTIONS OF THE LEGISLATURE OF WEST  
VIRGINIA, RELATING TO THE NAVIGATION OF THE  
OHIO RIVER.

“Whereas, By an act of the General Assembly of Virginia,  
passed on the eighteenth day of December, in the year one  
thousand seven hundred and eighty-nine, preparatory to the  
erection of the district of Kentucky, then within the jurisdic-



tion of the State of Virginia, into an independent State of the United States, it was, among other things, enacted, that "the use and navigation of the Ohio river, so far as the territory of Kentucky or of Virginia lies thereon, shall be free and common to the citizens of the United States;" which was confirmed by another act of the said General Assembly, passed on the thirteenth day of January, in the year one thousand eight hundred, after the erection of the State of Kentucky, whereby the State of Virginia, relinquished to the United States any right she may have had to the exclusive navigation of so much of the said river as, previously to the cession of the North-West Territory, and the erection of the State of Kentucky, was entirely within her territory and jurisdiction:

"And whereas, The said river is a navigable highway of commerce between different States of the Union, and the Congress of the United States, has, from the earliest period in the administration of its power to regulate commerce among the several States, claimed and exercised the right to regulate the navigation of the said river to the exclusion of the States binding thereon, and has moreover derived a considerable revenue from the enrolment and licensing of vessels navigating the same, and has established ports of entry at its head and other places thereon:

"And whereas, It is the duty, as it is the right, of Congress, and in accordance with its long established policy, to promote and facilitate commerce between the several States, by the improvement of navigable rivers constituting its immediate channels; and this duty in reference to the Ohio river has been repeatedly acknowledged by the passage and execution, from time to time, of laws having in view the partial improvement thereof:

"And whereas, The war prosecuted for the suppression of the existing rebellion, and particularly some of its more recent events have forcibly demonstrated that the safety in time of war and insurrection of several of the States, especially of those binding on the said river, imperatively demands that the navigation thereof should be so improved and maintained as to place and keep it, at all times, in a condition to permit the free passage, throughout its whole course, of armed vessels, and the easy transportation of troops and munitions of war from point to point on its banks, and between distant sections of the Union:

"And whereas, This Legislature is informed that Congress, at its approaching session, will be again urged to appropriate



the extraordinary sum of seventeen million of dollars to the improvement of the Illinois and New York canals, each lying wholly within the bounds of a single State, and neither of them constituting, by itself, a channel of commerce between different States, on the alleged ground of the necessity of such improvement in time of war or insurrection, and particularly in time of war with a foreign power with whom we are now at peace:

"And whereas, The improvement of the said canals as proposed, would, in the absence of the thorough and permanent improvement of the Ohio river, tend to divert from this and other States, a large portion of the commerce and transportation they now enjoy, and to deprive them of advantages they might otherwise derive from the projected railroad to the Pacific ocean; therefore

"Resolved by the Legislature:

"1. The Senators and Representatives of this State, in Congress, are earnestly requested to endeavor to obtain from that body, the early passage of an act providing for the adequate and permanent improvement of the navigation of the Ohio river, with an appropriation of funds sufficient for the purpose

"2. The Legislatures of all other States interested are requested to co-operate in effecting the object indicated in the foregoing resolution.

"3. The Governor is requested to forward a copy of this preamble and resolutions to the Executives of each of the States binding on the Ohio river, and of such other States as are immediately interested in the navigation thereof, with a request to lay the same before their respective Legislatures.

"Adopted October 24, 1863.



**Proclamation to Citizens of the State Volunteering  
for Military Service Urging Them to Enlist in the  
Volunteer Regiments of the Commonwealth and  
not in Those of Other States.**

**Pennsylvania, ss.**



**I****N THE NAME AND BY**  
the Authority of the Com-  
monwealth of Pennsylv-  
nia. **ANDREW G. CURTIN.**  
Governor of the said Common-

wealth.

**A PROCLAMATION.**

Whereas, For some time past it has been known that persons, professing to be agents of other States, have been busily tampering with our citizens at home and in the army, endeavoring, by false representations, to induce individuals to enter or re-enter the service as from those States, and remonstrances have been in vain made against the continuance of this paltry system of seduction:

And whereas, Information has now been received that one of the regiments of Pennsylvania has enlisted almost bodily as from another State; and it appears to be necessary to take some public means to put our citizens on their guard against the arts by which results so disastrous to the men and their families may be effected in others of her regiments which Pennsylvania has delighted to honor.

Now, therefore, I, Andrew G. Curtin, Governor of the Commonwealth of Pennsylvania, do issue this, my proclamation, addressed to all citizens of the Commonwealth, but especially and emphatically to her veterans in the army, cautioning them against allowing themselves to be seduced from her service. By enlisting in regiments of other States they deprive their



families at home of that generous and liberal aid which our law has provided for them as a right, and not as a charity; they will not enjoy the right of suffrage which an approaching amendment of the Constitution will give to our absent volunteers; they cut themselves loose from the ties which bind them to their homes, and which bind Pennsylvania to give them constant care and assistance in the field, an obligation which our State has never neglected. If wounded or sick, they will no longer be fostered by our agents, and received with applause and consideration, as men who have done honor to Pennsylvania; they bring the history of their regiments to an abrupt close; their names will no longer be entered on our rolls; all the glorious recollections of their valor and sufferings will be sickened by the fact that they have abandoned their native State, deserted the great Commonwealth under whose banner they have earned for themselves and for her the highest reputation for courage and all the martial virtues; and that they have done this under inducements which are in fact unfounded, and at the very time when their friends and neighbors at home were preparing for them bounties probably larger than those offered by other States, and certainly much larger, if the support afforded to their families be taken into account.

I therefore appeal to our noble volunteers not to abandon the Commonwealth. She has been proud of the glory which their course hitherto has shed abundantly on her. As a mother she has a right to the honors to be won in future by her children. Stand by her, and she will stand by you, and you will have the richest reward in the grateful affections and sympathies of your families, your friends, your neighbors, and your fellow citizens.

But if you leave her for the service of other States, you throw away all these, for their people will regard



you merely as mercenaries, and when they have fulfilled their bargains, will leave you and your families to shift for yourselves. Recollect your homes, and your families, and your friends, and the banners which you have carried so gloriously upon many a bloody field, and which, defaced by shot and shell, but still bearing the names of the battles in which you have been distinguished, she has provided for receiving at the close of the war, and preserving as holy relics of your patriotism and devotion to the cause of our common country. These things are worth more to you and to your children than money. Do not grieve and disappoint your friends by abandoning them all.

I take this occasion to enjoin upon all Magistrates, District Attorneys and other officers, a strict vigilance in enforcing the laws of this Commonwealth against all persons who shall, within this State, attempt to recruit volunteers for other States.

Given under my hand and the great seal of the State, at Harrisburg, the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-four, and of the Commonwealth the eighty-eighth.

(Signed.)

A. G. CURTIN.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.



To the Senate Nominating General James L. Reynolds to be Quartermaster General of the State Militia.

Executive Chamber,  
Harrisburg, March 10, 1864.

Gentlemen:—

**I HEREBY NOMINATE, FOR THE ADVICE AND**  
consent of the Senate, Gen. James L. Reynolds, of  
the city of Lancaster, to be Quartermaster General  
in the general staff of the militia of the Commonwealth,  
(appointed November 6, 1863.)

A. G. CURTIN.

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To the Senate Nominating Lewis H. Funk to be Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, March 10, 1864.

Senators:—

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, Lewis H. Funk, of the  
county of Northumberland, to be Superintendent  
of Public Printing, agreeably to the provisions of the  
act approved the 9th day of April, A D. 1856, entitled  
“An Act relative to public printing,” (approved May  
30, 1863.)

A. G. CURTIN.



To the Assembly Transmitting a List of Taxable Inhabitants.

Executive Chamber.  
Harrisburg, March 30, 1864.

Gentlemen:—

**A**S REQUIRED BY LAW, I HEREWITH LAY BEFORE you a list of the taxable inhabitants, deaf and dumb and blind persons, within this Commonwealth, so far as the same can be ascertained from the returns received from the several counties. The original lists, as returned by the county commissioners, have been deposited with the Clerk of the House of Representatives.

Circulars, calling attention to the requirements of the law, were addressed and forwarded by the Secretary of the Commonwealth, to the commissioners of the several counties in June last. Similar notices were subsequently issued to the commissioners of counties whose returns had been delayed.

The lists transmitted herewith, embrace returns from all the counties save Greene. Township, borough and ward lists have not yet been received from a number of counties. These lists will be submitted to you as soon as received.

Comparatively few of the returns made are in strict accordance with the requirements of the law. In several instances no enumeration accompanied the lists. In such cases the enumerations were made in the office of the Secretary of the Commonwealth.

A. G. CURTIN.



To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 11, 1864.

Senators:—

**I DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Miles Green, Esq., of the county of Huntingdon, and Andrew J. Jones, Esq., and George Dock, M. D., of the county of Dauphin, to be trustees of the Pennsylvania State Lunatic Hospital, for three years, to be computed from the seventh day of February last past.**

A. G. CURTIN.

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To the Assembly Concerning Provisions for the Orphans of Pennsylvania Volunteers who Died in the Service.

Executive Chamber,  
Harrisburg, April 13, 1864.

Gentlemen:—

**I HAVE HERETOFORE INVITED THE ATTENTION of the Legislature to the subject of maintaining and educating, at the public expense, such orphan children of Pennsylvania volunteers, who have died in the public service, as may be destitute of other means or aid. I have since caused inquiries to be made, through the school department and otherwise, in regard to the probable number of such orphans. It has been found, however, impossible to obtain reliable information in so short a time, but in my opinion**



the number to be at present provided for will not exceed one thousand. I submit to the wisdom of the Legislature the propriety of making early provision on the subject, merely suggesting that the orphans should, as far as possible, be committed to the care of persons of the same religious denominations as their parents. I would also remind the Legislature that the sum of fifty thousand dollars, donated by the Pennsylvania railroad company, is subject to my order, and could be properly appropriated towards the expenses to be incurred.

A. G. CURTIN.

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To the Senate Replying to a Resolution of that Body  
Concerning Certain War Damages.

Executive Chamber,  
Harrisburg, April 15, 1864.

Gentlemen:—

I HAVE RECEIVED THE FOLLOWING RESOLUTION of the Senate:

In the Senate,  
April 12, 1864.

“Whereas, At the last session of the Legislature of this Commonwealth, an act was passed to provide for the adjudication and payment of claims arising from the loss of horses and other property, taken or destroyed in the border counties, by the rebels, in October, A. D. 1862, and for property and horses impressed for the military of the State, in September, A. D. 1862:

“And whereas, The second section of said act directs the Governor of this Commonwealth, after the said losses and damages shall have been ascertained by the commission appointed under said act, to make claim thereof from the General Government, and should he fail to secure payment of the same, or any party thereof, then he is directed to report the same to the next Legislature, recommending such action as he may deem just and proper:



"And whereas, The people of the border counties are extremely desirous of knowing the condition of their claims for the losses and damages as aforesaid; therefore,

"Resolved, That the Governor of this Commonwealth is hereby respectfully requested to inform the Senate whether claim has been made as aforesaid, from the General Government, and if so, the action of the General Government in reference thereto.

"GEO. W. HAMERSLY."

And have the honor to reply:

That I have received the report of the commissioners appointed by the court of common pleas of Dauphin county, under act of 22d April, 1863, and have transmitted it, with a claim for payment, to the President of the United States, from whom I have, as yet, no reply.

A. G. CURTIN.

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To the Assembly Concerning the Reserve Corps,  
with Correspondence Relating Thereto.

Executive Chamber,  
Harrisburg, April 15, 1864.

Gentlemen:—

IN COMPLIANCE WITH THE RESOLUTION OF the Senate of the 6th instant, I herewith communicate the correspondence which I have had with the authorities at Washington, on the subject of the Reserve Corps, and refer to other correspondence on the same subject, which was communicated in my message of the 12th and 14th of January, 1863:

I think it proper to add, that the report of Col. Fry, the Provost Marshal General of the United States, on my communication to the President of the 24th of



November, 1863, was transmitted to me, with a letter from the President, dated 9th of December, 1863.

The fourth head of the arrangement, thus sanctioned, was however not carried out, as the volunteers who were enlisted did not remain under my control, or at camps or rendezvous, or under commanders designated by me, as was provided by that arrangement. The authorities of the United States took the control of the volunteers immediately on their enlistment, and located the camps and rendezvous, and appointed the commanders, and in fact assumed the whole arrangement themselves.

In connection with the letters relating to the recruiting among Pennsylvania volunteers, by agents of other States, it is right to say, that after the reference to General Meade, mentioned in Col. Vincent's letter of the 25th of February last, General Meade promptly issued an order prohibiting such proceedings in future, and thus preventing further efforts to seduce our men. The War Department also made a regulation on the subject, as will be seen by General Canby's letter to me, dated 31st of March last.

In my letter to the President of the 4th of March last, it will be observed that I stated my belief that two regiments of the Reserve Corps had never been mustered into the service of the United States. It is believed that other regiments of that corps have not been so mustered.

It is under existing circumstances, much to be apprehended, that a large portion of the Reserve Corps will not be re-enlisted. The financial condition of the State causes me to hesitate to recommend an attempt to take the volunteers, who are thus to be discharged, into the service of the State, and after recruiting them to their full standard, to keep them for the defence of our southern border. Such a corps would give effectual security to the people of the border counties



against future raids. They have already suffered greatly by rebel depredations, and inasmuch as the State will doubtless, after the conclusion of the war, if consistent with the maintenance of her credit, with her accustomed liberality, make compensation for the losses thus sustained, it may be a question whether true economy would not be observed by adopting the policy of maintaining a force sufficient to prevent further losses of the same character.

In connection with this subject, I again urge the necessity of an efficient militia law.

A. G. CURTIN.

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Executive Chamber,  
Harrisburg, Nov. 24, 1863.

Sir:—It is not only my duty, but my most earnest desire, to give you the whole military force of Pennsylvania, so far as the same may be necessary to the prompt and effectual suppression of the rebellion. I have hitherto acted on this principle, and I feel that in my late re-election the people of the Commonwealth have expressed their approval of it, and have placed me under additional obligations to carry it out.

The plan adopted by you to obtain volunteers under your last requisition I have in every way in my power favored the execution of, but I fear it has become evident that it cannot be successful.

Under these circumstances, I desire to submit for your consideration the expediency of using the agency of the State authorities for the raising of men in this State.

I think your experience, from the beginning of this war, has been, that men have been more readily raised through that agency than in any other mode.



There are many reasons why this should be so, but it is not necessary to trouble you with a detailed recital of them. I propose the following heads for your approval:

1. That a brigade at a time of the Penn'a Reserve Corps be sent into the State, to be recruited under the direction of the Governor.

2. That the other Pennsylvania regiments now in the field shall, when deemed expedient, be consolidated by the Governor; and that the officers who will be thus deranged be, if meritorious, appointed for new regiments by, and assigned to recruiting service under the direction of the Governor.

3. The Governor shall designate all recruiting officers for volunteers in the State, and all existing authorities to recruit volunteers shall be vacated.

4. The volunteers who shall be enlisted shall remain under the control of the Governor at such camps of rendezvous, and under such commanders as he may designate, until ready to be sent to their regiments, in accordance with General Order, No. 75, War Department, series of 1862.

5. The Governor shall have such an arrangement as he may desire in regard to the amount and mode of payment of premiums for obtaining recruits, and the persons to whom they are to be paid—premiums not to exceed twenty-five dollars for veterans and fifteen for new recruits, nor to be paid until the recruits are accepted by the United States.

6. Reports shall be frequently made to Lieut. Col. J. V. Bumford, U. S. A., A. A. Provost Marshal General for Pennsylvania, of what is being done by the State. Lieut. Col. Bumford shall have control of the expenditures, which shall all be paid by the United States; and he shall be notified whenever recruits are ready to join their regiments.

7. Cities and other localities furnishing volunteers



shall have credit for them on the present or any future drafts.

The heads numbers one and two I conceive to be very important, and respectfully recommend them to the approval of your administration. If, however, they should not receive that approval, then I suggest the following in their stead, viz:

1. Such officers of Pennsylvania regiments in the field as the Governor may desire, shall be detailed for recruiting service in the State, and under the direction of the Governor, the details being first made from regiments whose term of services expires in 1864.

2. When practicable, old regiments shall be sent home to be recruited under the direction of the Governor.

In failing to devote whatever may be necessary of my time, labor, health, of my life itself, to the great cause of the country, I should be false to the noble and generous people who have again given me their confidence. All the zeal and energy of which I am capable is at your service in that cause. That the public service may be efficiently carried on, I am most desirous of acting in perfect harmony and accord with your administration, especially with the War Department, with which my relations must be most direct and intimate.

If, therefore, I should at any time find it necessary to call attention to the course of any subordinate officers of the United States within the State, I shall confidently hope that my representations will be understood to proceed wholly from a sense of duty—a duty of which the performance is always painful, and for the performance of which I trust that no occasion may arise.

I beg to suggest, in conclusion, that it would be advisable to make some practical arrangement without delay, as a disposition exists now among our people



to go into the service, of which the Government ought not to lose the benefit.

I am, sir, very respectfully,

Your obedient servant,

A. G. CURTIN.

To the President.

War Department,  
Provost Marshal General's Office,  
Washington, D. C., 186 .

Respectfully returned with report as follows:

The Governor proposes

1. "That a brigade at a time of Pennsylvania Reserves, be sent home to recruit." I don't think anything more can properly be done in this respect, than is directed in General Orders, No. 376, providing for sending volunteers home on re-enlistment.

2. "That the other Pennsylvania regiments now in the field shall, when deemed expedient, be consolidated by the Governor, and that the officers who will thus be deranged, be, if meritorious, appointed for new regiments by, and assigned for recruiting service under, the direction of the Governor."

I think it would be injurious to the public service for the Governor to consolidate regiments now in the field, and it would be destructive to the present plan of recruiting to authorize the raising of new regiments. I think the two foregoing propositions should not be acceded to. In case they are rejected, the Governor proposes in lieu of them,

1. "Such officers of Pennsylvania regiments in the field, as the Governor may desire, shall be detailed for recruiting service in the State, and under the direction of the Governor, the details being first made from regiments whose terms expire in 1864."

2. "When practicable, old regiments shall be sent home to recruit, under the direction of the Governor."

I think this should be granted.

His Excellency then further proposes,

3. "That the Governor shall designate all recruiting officers for volunteers in the State, and all existing authorities to recruit volunteers shall be vacated."

The recruiting officers heretofore selected were appointed with the approval of the Governor; but, as he thinks the recruiting service would be benefited by their discharge, I



recommend that it be done. I see no reason, however, why "all existing authorities to recruit volunteers shall be vacated." If a recruit presents himself to a provost marshal for enlistment, I think the provost marshal should not be forbidden to accept him.

4. "The volunteers who shall be enlisted, shall remain under the control of the Governor, at such camps or rendezvous, and under such commanders as he may designate, and until ready to be sent to their regiments, in accordance with General Orders, No. 75, of 1862."

I think this should be granted.

5. "The Governor shall have such an arrangement as he may desire, in regard to the amount and mode of payment of premiums for obtaining recruits, and the persons to whom they are to be paid; premiums not to exceed \$25 for veterans, and \$15 for new recruits, nor to be paid until the recruits are accepted by the United States."

I think this should be granted.

6. "Reports shall be frequently made to Lt. Col. Bomford, U. S. A., of what is being done by the State. Lt. Col. Bomford shall have control of the expenditures, which shall all be paid by the United States, and he shall be notified whenever recruits are ready to join their regiments."

Col. Bomford should be directed to keep himself in constant communication with the State authorities, in this matter of recruitment, and should have control of all those expenses which are to be paid by the United States, including the payment of bounties and premiums, and should report to the Provost Marshal General whenever recruits are ready to join their regiments.

7. "Cities and other localities furnishing volunteers, shall have credit for them on the present, or any future draft." Credits cannot now be given on the present draft, but all the volunteers furnished by cities, or other localities, will be duly credited on the draft fixed for January 5, 1864. I presume that is what the Governor desires.

The substance of the seven preceding propositions submitted by his Excellency, Governor Curtin, in this letter, dated November 24, were communicated to him by me in a letter to Col. Bomford, dated November 7, and each proposition was agreed to by me in about the same terms that I have now suggested.

This arrangement has been in operation for some time in other States, and is producing favorable results,



The "expediency of using the agency of the State authorities for the raising men in the State" has been fully recognized, and that agency has been invoked in Pennsylvania by letters from me, dated September 21, October 20, November 7 and November 10, and by the President's proclamation of October 17, 1863.

JAMES B. FRY,  
Provost Marshal General.

Pennsylvania, Executive Chamber,  
Harrisburg, Pa., Feb. 18, 1864.

Colonel:—I am informed that recruiting agents from other States are now amongst our regiments in the Army of the Potomac, procuring, by the offer of bounties and additional pay, the re-enlistment of our veterans in their service. This is especially the case amongst the Pennsylvania Reserves, who are being recruited for the benefit of the State of New Jersey; and I am informed to such an extent, that if not checked, it will prevent the re-enlistment of those regiments as regiments, and destroy the corps.

I request that an order be made to prevent this practice, and to provide for the retention, in their own organizations, of such men as may have already been enlisted in Pennsylvania regiments, and credited to other States.

I have the honor to be,

Very respectfully,

Your obedient servant,

A. G. CURTIN.

Col. J. B. Fry, Provost Marshal General.

War Department, Adjutant General's Office,

Washington, D. C., February 25, 1864.

His Excellency, the Governor of Pennsylvania, Harrisburg,  
Pennsylvania:

Sir—I have the honor to acknowledge the receipt of your letter of the 18th instant, relative to certain agents, from other States, recruiting in the Army of the Potomac from Pennsylvania regimens.



In reply, I am directed to inform you, that the same has been referred to Major General Meade, for prompt investigation and report.

Your Excellency will be duly notified of the result.

I am, Sir,

Very respectfully,

Your obedient servant,

THOMAS M. VINCENT,

Assistant Adjutant General.

Pennsylvania, Executive Chamber,

Harrisburg, Pa., March 4, 1864.

Sir:—In May, 1861, the Legislature of Pennsylvania directed fifteen regiments to be raised, paid, subsisted and instructed, by the State, to be called the Pennsylvania Reserve Corps, and to form a division consisting of two brigades, with one major general and two brigadier generals. This division was enlisted for three years, and sworn into the service of the State in the months of June and July, 1861, and was to be turned over to the United States whenever it should be called for. The corps was accordingly raised without delay. Prior to the first battle of Bull Run, two of its regiments, at the request of United States officers, had been sent to the vicinity of Cumberland, and were there in active service for nearly two months. Two others were sent to Western Virginia, on similar requests. After the battle of Bull Run, the whole division was wanted by the United States, and, under your requisition, was turned over to the service of the United States. They entered Washington, or joined Gens. Banks and Dix at Baltimore, four days after that battle. They numbered about fifteen thousand men, well armed, trained, and disciplined, and having already an esprit du corps which increased their efficiency. They have since served with distinction through the Peninsular and all the other campaigns of the Army of the Potomac. They are proud of their corps and of their State, and the State is proud of them.



Two of the regiments, it is believed were not mustered into the service of the United States, their being turned over by the State being considered sufficient without a new muster. These two regiments have served you as faithfully and efficiently as any troops you have.

Last summer I urged that this corps should be sent home to be recruited. It has so much the esteem of our people, that, if my wish had been then complied with, you would now have it in the field with nearly all the veterans re-enlisted, and with the corps recruited to its maximum of fifteen thousand men. Unfortunately my request was refused.

The three years for which the men enlisted count from the date of their entry into the service of the State. They are now told, I understand, that they will be held for three years from the date of their being mustered into service of the United States. The United States may thus gain a few days, or even months, service at the expense of creating dissatisfaction, and losing the men for a new period of three years.

Agents from other States are allowed or encouraged to go among the men and try to tempt them into the service of their States. By this means a few men are obtained at the expense of great injustice to Pennsylvania, and the great body of them are disgusted, and prevented from re-entering the service at all. Neither the Government nor people of this State have ever resorted to this mode of obtaining men. Pennsylvania has answered all the calls of the United States with her own men and from her own resources.

One brigade has been for some time, against all remonstrances, separated from the corps, and regiments from it are now being sent to different departments. By this means the esprit du corps is effectually broken and the pride of the division crushed.



In all these modes the spirit of this body of men is being destroyed, and the end of it will be (unless proper measures be promptly taken) that you will drive the greater part of these veterans from the service.

In all military services it has been held important to encourage the pride of the men in the organizations to which they are attached, and in the localities from whence they came, and to rely greatly, for recruiting, on the pride which the inhabitants of such localities feel in the organizations which they have formed.

Measures are being taken in this State to preserve the history of our regiments. They have already been presented with standards by the State, and provision made for preserving the worn and tattered banners as they come from the field. The citizens in every part of the State feel proud of their regiments, and the men in the field are encouraged by the system. To have belonging to a particular regiment, and to have the exploits of that regiment recorded, is the only mode in which private soldiers can have the opportunity of being appreciated at home.

All these necessary and appropriate means of retaining your veterans, and filling their thinned ranks with new volunteers, you are allowing to be thrown away. I again most earnestly call your attention to the subject, and beg to make the following suggestions, viz:

1st. That the brigade which has been separated from the Pennsylvania Reserve Corps be immediately returned to it, with the understanding that hereafter the whole division will be allowed to serve together, unless when some military reason to the contrary shall exist.

2. That all the men of that corps, or of any other Pennsylvania regiments, who shall re-enlist, shall remain in the regiments to which they now belong, and be credited to Pennsylvania on account of her quota.

3. That the term of service of the veterans in the Pennsylvania Reserves be estimated from the date of



their being originally sworn into the service of the State.

These suggestions are believed to meet the approbation of Gen. Crawford, the present commander of the corps. A copy of this letter will be sent to Gen. Meade, who was long connected with the Pennsylvania Reserves, and can speak with knowledge on the subject.

I observe, in conclusion, that what I now ask for the Pennsylvania Reserve Corps, will, if granted, form no precedent, as there is in the army no other body of men similarly situated. In granting my request, you will, therefore, incur no risk of future inconvenience.

Very respectfully,

Your obedient servant,

A. G. CURTIN.

To the President.

War Department, Washington City,

March 31, 1864.

Sir—I am instructed by the Secretary of War to acknowledge the receipt of your communication of the 4th inst., relating to the "Pennsylvania Reserve Corps," and in reply, to say that the regiments of this corps were brought to Washington on urgent application. A part were returned to the Army of the Potomac when their services were required there, and the reason that all were not sent is, that they could not all be replaced here. The sending of a part to West Virginia resulted from a military necessity, no other troops being available at the time. The question of returning troops from that department to the Army of the Potomac, has been referred to Lieutenant General Grant for his decision.

As regards re-enlistments, I have to say, that existing orders require them to be made in the same regiments to which the soldiers belong. The term of service of veterans, as in fact of all soldiers, is calculated from the date of muster into the service of the United States, and not into the service of the State.

Very respectfully,

Your obedient servant,

ED. M. CANBY,

Brigadier General, A. A. G.

His Excellency, A. G. Curtin, Governor of Pennsylvania.  
Harrisburg, Pa.



I herewith present the letters of the Quartermaster General, Surgeon General, Adjutant General and Commissary General, which answer the second resolution, as to the persons employed and salaries paid in their respective Departments. The following persons are employed in the military service immediately connected with the Executive.

Col. M. S. Quay, Military Secretary, salary \$1,500 per annum.

Col. R. Biddle Roberts, Aid-de-Camp, pay of Lieut. Col. of infantry, as established by law, \$170 per month.

Col. S. B. Thomas, Aid-de-Camp, with the same salary.

Col. F. Jordan, Military Agent at Washington, D. C., with the same salary.

The office of Master of Transportation and Telegraphing, established in 1861, became vacant by the death of Major O. W. Sees, early in October, 1863, and for some time afterward it remained vacant. In November I appointed Col. M. S. Quay to the office, with the understanding that he and A. C. Mullin, Esq., my private secretary, would fulfil the duties in addition to the duties of their respective offices, and divide the salary, which is \$100 per month. The operations of the Department are thus brought near to me, and are subject to my personal supervision, and as yet, with my assistance, the arrangement has proved advantageous to the public service.

I have at various periods, since the beginning of the war, called to my assistance more persons than are now employed in the military service, and it is believed that the business devolving upon the Executive in this respect has been performed with all the economy possible. All the officers of my staff, including the Agency at Washington, have been paid out of the contingent fund placed in my hands by the act of May



of that fund as settled in the office of the Auditor General.

All these officers have at all times had full employment, and, in my judgment, have not received more than just compensation for their services.

A. G. CURTIN.

Headquarters Pennsylvania Militia,

Hospital Department,

Harrisburg, April 8, 1864.

To His Excellency, Andrew G. Curtin, Governor of Pennsylvania:

Sir—In compliance with your directions I have the honor to furnish the following statement, giving the names of the persons employed in the hospital department of the State, with the compensation of each, viz:

1. James King, Surgeon General; salary, twenty-seven hundred and forty dollars (\$2,740) per year.

2. William Davis, clerk, six hundred and ninety dollars (\$690) per year.

3. J. Russell King, clerk, six hundred and ninety dollars (\$690) per year.

4. William Styers, messenger, partly employed in Quartermaster's Department, one hundred and twenty dollars (\$120) per year.

5. In addition to these, an Assistant Surgeon General, with salary of one hundred and sixty-three dollars (\$163) per month, has been employed, but the position is at present vacant, the late Assistant Surgeon General, Dr. W. W. Green, having recently resigned.

In my opinion the interest of the public service requires that these positions should all be filled, and as the salary of the clerks and messenger is inadequate, I would respectfully recommend that they be increased, in order to give each clerk seventy-five dollars (\$75) per month, and the messenger twenty dollars (\$20) per month.

The Assistant Surgeon General having resigned, the interest of the service, especially in connection with the Agency at Washington, renders the appointment of another necessary, to



give the aid and relief to our sick and wounded which they need.

I have the honor to be,  
Very respectfully,  
Your obedient servant,  
JAMES KING,  
Surgeon General Pennsylvania.

Headquarters Pennsylvania Militia,  
Commissary Department,  
Harrisburg, April 7, 1864.

Governor—In compliance with your request, just received, in reference to resolution of the Senate, asking information concerning the clerical force in the several military departments of the Commonwealth, I have the honor to transmit the desired information for this department, as follows:

For salary of Commissary General, \$2,190.00 per year, and a further sum of \$50.00 per month for services in Board of Military Claims, as per act of April 22, 1863.

H. M'Walters, preparing commissary account of the State for settlement with auditing department at Washington—salary \$75.00 per month. Cannot be dispensed with.

George K. Anderson and David Barnes, detailed to Board of Military Claims, salary \$75.00 per month, each. Cannot be dispensed with unless provision is made by the Legislature for clerks for the board.

George H. Shough, messenger, detailed to Board of Military Claims—salary \$25.00 per month.

Very respectfully,  
Your obedient servant,  
W. W. IRWIN,  
Commissary General.

To A. G. Curtin, Governor of Pennsylvania.

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Washington City, D. C., April 11, 1864.

Sir—Your letter of the 6th inst., calling my attention to a resolution of the Senate requesting information from you as to the number, names and compensation of the appointees in the Military Department of the Government, and your opinion whether the services of any of them can be dispensed with without injury to the public interest, was not received until this morning.



The persons appointed in the Quartermaster General's office, as at present organized, are:

James L. Reynolds, as Quartermaster General, at a compensation of six dollars (\$6) per diem, and an additional allowance of six hundred dollars (\$600) per annum as a member of the Board of Military Claims.

James Gilleland, as Assistant Quartermaster, stationed at Washington city, at a compensation of one hundred and twenty-five dollars (\$125) per month, and an allowance for commutation of quarters of thirty-six dollars, (\$36).

G. W. Gibbons, Assistant Quartermaster, stationed at Harrisburg, at a compensation of one hundred and twenty-five dollars (\$125) per month.

L. R. Boggs, chief clerk, at a compensation of ninety-three dollars (\$93) per month.

William Styres as messenger, at a compensation of ten dollars (\$10) per month.

In my opinion the services of no one of these appointees can be dispensed with without detriment to the public interest.

Very respectfully yours,

JAMES L. REYNOLDS,

Quartermaster General of State of Pennsylvania.

His Excellency, A. G. Curtin, Governor of Pennsylvania,  
Harrisburg, Penn'a.

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Headquarters Pennsylvania Militia,  
Adjutant General's Department,  
Harrisburg, April 6, 1864.

His Excellency, A. G. Curtin, Governor of Pennsylvania:

Sir—In reply to your communication of this date, referring to resolution of the Senate of 6th inst., I have the honor to furnish the information asked in said resolution, so far as the same relates to this department.

There are employed the following appointees, viz:

A. L. Russell, Adjutant General, salary, \$6 per diem, with additional allowance, by act of 22d April, 1863, as a member of the Board of Military Claims, of \$50 per month.

John C. Harvey, Assistant Adjutant General, salary, \$1,200 per annum.

Daniel Washabaugh, chief clerk, salary, \$1,000 per annum.

J. R. Muffy, Pay Department clerk, salary \$900 per annum.

Wm. D. Moore, Register and Record clerk, salary \$900 per annum.



E. B. Wheeler, messenger, salary \$400 per annum.

To perform the ordinary business of this department, requires the full time of every appointee; and to answer the strictly official business correspondence of the last two months, has required the attention of both myself and the Assistant Adjutant General, to a late hour every night.

I cannot, therefore, see how the services of any of the present appointees in this department can be dispensed with, without detriment to the public interests.

I have the honor to be,

Very respectfully,

Your ob't servant,

A. L. RUSSELL,  
Adjutant General Pennsylvania.

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To the Assembly Vetoing "An Act to Incorporate  
the Anthrax Oil Company.

Executive Chamber,  
Harrisburg, April 25, 1864.

Gentlemen:

I HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 346, entitled "An act  
to incorporate the Anthrax oil company," with  
my objections to the same.

The proviso to the seventh section of this bill enacts, that no stockholder shall be held individually liable for any debt of the company, unless sued for within six months after such debt shall become due and payable.

It is evident that a limitation so short would practically, in most cases, make the clause providing for the personal liability of stockholders a mere deception. The limitation appears to me to be wholly unreasonable, and I therefore return the bill without my signature.

A. G. CURTIN.



To the Assembly Vetoing "A Supplement to the Act  
Incorporating the Saucon Iron Company."

Executive Chamber,  
Harrisburg, April 30, 1864.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 806, entitled "A sup-  
plement to the act incorporating the Saucon iron  
company," with my objections to the same.

This bill does not refer to the date of the act to  
which it is a supplement, nor of other acts which it  
proposes to extend to the company. After search,  
some of those acts have been found, and the sections  
extended to this company confer privileges granted by  
other acts, of which the dates are not given. The re-  
sult is, that it is practically impossible to ascertain  
what privileges the company is obtaining.

I have therefore withheld my signature from the  
same.

A. G. CURTIN.

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To the Assembly Concerning Certain Measures of  
War, with Accompanying Correspondence.

Executive Chamber,  
Harrisburg, April 30, 1864.

Gentlemen:

**O**N THE 15TH OF JUNE LAST, IN CONSE-  
quence of the advance of the rebel army north  
of the Potomac, the President issued his procla-  
mation calling for militia from this State to repel the  
invasion. I immediately issued my proclamation, of  
the same date, calling on the militia to come forward.  
When the men began to assemble under this call of



the President, some difficulties arose from their unwillingness to be mustered into the service of the United States, as mischievous persons made themselves busy in misrepresenting the consequences of such muster. In this state of affairs I suggested to the President the expediency of my calling the militia so as to remove the difficulties which had been thus created. The President approved of the suggestion, and for the purpose of attaining the end proposed by his proclamation, directed me to make a State call for militia. I accordingly, on the 26th day of June, 1863, issued my call for the militia. The United States clothed, equipped and subsisted the men thus called into service, but declined to pay them, on the ground that Congress had made no appropriation for that purpose. Assurances were, however, received from the War Department, that if the money to pay these troops should be advanced by corporations or individuals, application would be made to Congress, on its meeting, to make the necessary appropriations to refund the money thus advanced. Copies of two telegraphic dispatches from the Secretary of War, are herewith submitted; one addressed to me, dated July 22, 1863, and the other addressed to a member of a committee of the Union League in Philadelphia, dated July 21, 1863, and which was immediately communicated to me. On the faith of these assurances I proposed that the money institutions of the State should advance the money, there being no State appropriation for the purpose. I pledged myself that if the money should be so advanced, I would recommend an appropriation by the Legislature to refund it, in case Congress should fail to do so. A copy of my letter on this subject, dated July 22, 1863, is herewith submitted. This not being entirely satisfactory to the gentlemen composing the Committee of Banks, they had an interview with me here, and I finally



handed to them the paper dated 24th July, 1863, a copy of which is also herewith submitted. Several of the banks and other corporations in the State, acting with their accustomed spirit and patriotism, promptly came forward and agreed to advance the necessary funds, and the troops were accordingly paid. The disbursements were made, and the pay accounts were so faithfully, as well as formally, kept by gentlemen who acted entirely without compensation, that they were settled by the Adjutant General of the State with the accounting officers at Washington, without any objections arising.

The sums thus advanced, amount, with interest, at the present time, to about \$700,000. It ought to be added, that little more than one-half of this sum was required to pay the troops during the existence of the emergency. The remainder was expended in paying such of them, as against my remonstrance, were detained afterwards by the United States, for the purpose of enforcing the draft.

The assurances given by the Secretary of War were, of course, sanctioned by the President. The pay of these troops, was in fact a debt of the United States, and the faith of the government was pledged to do all in its power to procure the proper appropriation by Congress to refund the money. I regret to say that the President has not considered it to be his duty to lay the matter openly before Congress by a message. A bill, it is true, has been introduced and is now pending in Congress, providing the necessary appropriation, but it has met with opposition, and in the absence of some public declaration by the Executive, of the pledges made by Government, it may possibly be defeated.

Meanwhile, as your session is drawing to a close, I feel bound to redeem the faith of the Executive Department of Pennsylvania, and do therefore earnestly



recommend the passage of a law providing for the repayment of the sums advanced as herein before stated, if Congress should fail to provide therefor at its present session. Our own good faith will be thus preserved, and it can be in no other manner.

A. G. CURTIN.

Washington, July 21, 1863.

J. R. Fry, Chairman Union League, Philadelphia:

All that is necessary, is, that the Governor of Pennsylvania should see that the company pay rolls are properly made out, and certified. This being done, the amount due is readily ascertained, and can be paid, and the pay rolls will furnish the proper official voucher of the payment. This Department will lay before Congress, at the commencement of the session, an estimate to cover the amount, and request the appropriation. The matter has been arranged in this way in other States, and has been productive of no delay or complaint where Governors have given their attention to it, and seen that the muster rolls are properly made out.

EDWIN M. STANTON,  
Secretary of War.

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Washington, July 22, 1863.

To His Excellency, Gov. A. G. Curtin:

Your telegrams respecting the pay of militia, called out under your proclamation of the 27th of June, have been referred to the President for instructions, and have been under his consideration. He directs me to say, that while no law or appropriation authorizes the payment, by the General Government, of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If, in the meantime, you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it.

Measures have been taken for the payment of troops mustered into the United States service, as soon as the muster



and pay rolls are made out. The answer of this Department, to you as Governor of the State, will be given directly to yourself, whenever the Department is prepared to make answer.

(Signed)

EDWIN M. STANTON,  
Secretary of War.

Executive Chamber,  
Harrisburg, Pa., July 22, 1863.

Gentlemen:

In my interview with you, on the 19th instant, I had the honor to lay before you and the presidents of the other banks of the city of Philadelphia, the difficulties which surround the militia of Pennsylvania, called into service for the defence of the State, and more especially the want of any appropriation of money, by the National or State Government, for their payment. I proposed, at the time, that the money necessary for that purpose, be raised from banks and other corporations, relying upon Congress for an appropriation at the next session, or, on failure, upon the Legislature of our own State. I refer, with great pleasure, to the promptness and unanimity with which the gentlemen present expressed their willingness to respond to the call made upon them.

I enclose a copy of a telegram received, this morning, from the Secretary of War, which you notice is fully up to the expectations we entertained at the time of our meeting, and pledges the Government of the United States so far as it is possible in the absence of Congress. I cannot give you a correct estimate of the amount of money we may require; I do not think, however, it can exceed seven hundred thousand dollars, (\$700,000). Of that amount the city of Philadelphia having appropriated one hundred and fifty thousand dollars, (\$150,000), to the payment of volunteers raised in the city, it would seem just and proper that it should be refunded in the same manner, and made part of the fund to be disbursed.



I propose that your committee immediately address banks, and other corporations throughout the State, requesting them to contribute in some just proportion, which I leave to your discretion.

Inasmuch as the money thus raised could not go into the Treasury of the State, and if in, could not be drawn out without authority of law, I suggest that gentlemen of known character be selected to pay the regiments as they pass out of service. In the meantime, we will have the proper muster-rolls prepared, so that under the laws of the United States and regulations of the War Department, the proper vouchers will be presented with our claim on the Government.

If there should be any failure on the part of the Government of the United States to refund the money raised as proposed, I will ask the Legislature at the opening of the next session to make an appropriation to refund it, with interest.

You will excuse me for again reminding you that we should act promptly in this matter, as it is not only just to the men who have cheerfully taken up arms in defence of the State, but important to the Government, if it should be necessary to make any such calls in the future.

I am, gentlemen,

Very respectfully,

Your obedient servant,

A. G. CURTIN.

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys and John B. Austin, Committee of the Banks of Philadelphia.

Executive Chamber,  
Harrisburg, July 24, 1863.

I ask the banks and other corporations in Pennsylvania, to advance money to pay the militia, called into



service under my proclamation of the 26th of June, 1863, for the defence of the State, there being no appropriation made by the Legislature for that purpose.

When the Legislature meets in January, I will ask and recommend an appropriation to refund the money thus advanced, with interest.

It will be noticed that the Secretary of War, by a telegram to me, dated the 22d of July, commits the Government of the United States to the payment of this money, so far as it is possible in the absence of Congress.

Having had an interview with the presidents of the banks in Philadelphia, and a correspondence on this subject, I request that if the money can be raised, the committee appointed by that body collect and disburse the fund through pay-masters nominated by me.

A. G. CURTIN,

Governor of Pennsylvania.

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys and John B. Austin, Committee of the Banks of Philadelphia.

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To the Asesmbly Vetoing "An Act Relating to the Manner of Entering Judgments in the City and County of Philadelphia."

Executive Chamber,  
Harrisburg, May 2, 1864.

Gentlemen:

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill No. 441, entitled "An act relating to the manner of entering judgments in the city and county of Philadelphia," with my objections to the same.

It is true that some slight inconvenience occurs in



all the counties of the State, from similarity of names, rendering it doubtful whether judgments be liens on the land of individuals, bearing the same names as those against whom judgments have been obtained. The consequence is, that on a sale of land it is now and then necessary for the conveyancer to take the trouble of making inquiries of plaintiffs or their counsel, or requiring the vender to satisfy him that he is not the person against whom judgments were obtained. This bill proposes to enact that in every case before a judgment shall be so indexed as to become a lien, it shall be the duty of the plaintiff, or his attorney, to furnish to the prothonotary a correct and specific statement, so far as possible, of the occupation and the place of residence of the defendant. It is not stated who is to judge whether such statement has been made correct and specific, so far as possible, or whether it might have been possible to make it more correct and specific. The bill, if approved, would relieve conveyancers of a little labor and responsibility, in a few cases, at the expense of harassing all plaintiffs and their attorneys, and rendering it very often almost impossible to put a certain lien on the lands of a defendant by a judgment against him.

The operations of the bill is confined to the city and county of Philadelphia, thus making an odious distinction against that portion of the State. For these reasons I have withheld my signature from this bill.

A. G. CURTIN.



To the Assembly Vetoing "A Supplement to an Act  
Relating to the Courts of Philadelphia."

Executive Chamber,  
Harrisburg, May 2, 1864.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 880, entitled "A sup-  
plement to an act relating to the courts of Phila-  
delphia, approved April 5, 1855," with my objections  
to the same.

The bill, to which this is a supplement, provides  
that the several courts in Philadelphia may designate  
one weekly newspaper in which all legal notices shall  
be published: Provided, That municipal claims for  
assessment of taxes, or any advertising of the city of  
Philadelphia, shall not be required to be published in  
said newspaper.

The present bill proposes to repeal this proviso, so  
that without dispensing with other advertisements,  
the city of Philadelphia will be obliged to pay for use-  
less insertions of its legal notices in a paper or papers  
selected by the courts.

For this reason I withhold my signature from the  
same.

A. G. CURTIN



Proclamation Announcing the Imminence of a Call  
upon the State for More Men for Military Pur-  
poses.

Pennsylvania, ss:

[Signed] A. G. Curtin.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CUR-  
TIN, Governor of the said

Commonwealth.

A PROCLAMATION.

Whereas, circumstances render it  
not improbable that the President of  
the United States may, within a short  
time, call on Pennsylvania for Volun-  
teer Militia for a brief term of ser-  
vice;

And whereas, The example of the brave men now  
in the field from Pennsylvania, heretofore on every  
battle field distinguished for courage and efficiency,  
but who, in the recent battles in Virginia, have gained  
an enviable distinction by their deeds of valor and en-  
durance, should stimulate their brothers at home to  
increased effort to sustain their country's flag, and  
terminate the rebellion:

Now, therefore, I, Andrew G. Curtin, Governor of  
the Commonwealth of Pennsylvania, do make this my  
proclamation, earnestly requesting the people of the  
Commonwealth, willing to respond to such call of the  
President, to form military organizations without de-  
lay, that they may not be found unprepared to do so.  
And I do further request that commanding officers of  
all military organizations, which may be formed in  
compliance with this proclamation, do forthwith re-  
port the condition of their respective commands, that



prompt measures may be taken for getting them into the service in case a requisition should be made by the General Government. Such call, if made, will be for a term of not less than one hundred days. The troops will be clothed, armed, subsisted and paid by the United States, and mustered into the service thereof.

Given under my hand and the great seal of the State at Harrisburg, this eighteenth day of May, one thousand eight hundred and sixty-four, and of the Commonwealth the eighty-eighth.

By the Governor,

Eli Slifer,

Secretary of the Commonwealth.

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Writ Issued to the Several Sheriffs in the Commonwealth Providing for an Election to Vote upon Certain Proposed Amendments to the Constitution.

Pennsylvania, ss:

[Signed] A. G. Curtin.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said

Commonwealth.

To Adam Rebert, Esquire, Sheriff of the County of Adams, Sends Greeting:

Whereas, A Joint Resolution proposing certain amendments to the Constitution of this Commonwealth, which are as follows, viz:

“There shall be an additional section to the third article of the Constitution, to be designated as section four, as follows:



**"Section 4. Whenever any of the qualified electors of this Commonwealth shall be in any actual Military service, under a requisition from the President of the United States, or by authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual place of elections.**

**"There shall be two additional Sections to the Eleventh Article of the Constitution, to be designated as Sections eight and nine, as follows:**

**"Section 8. No bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title, except appropriation bills.**

**"Section 9. No bill shall be passed by the Legislature, granting any powers or privileges, in any case where the authority to grant such powers, or privileges, has been, or may hereafter be, conferred upon the Courts of this Commonwealth," has been agreed to by a majority of the members of each House of the Legislature, at two successive sessions of the same.**

**And whereas, It is provided in the Tenth Article of the said Constitution, that any amendments so agreed upon, shall be submitted to the people in such manner, and at such time, at least three months after being so agreed to by the two Houses, as the Legislature shall prescribe; such submission to be in such manner and form, that the people may vote for or against each amendment separately and distinctly:**

**And whereas, By an act of the General Assembly of this Commonwealth, passed the twenty-third day of April, Anno Domini one thousand eight hundred and sixty-four, it is provided, "that for the purpose of obtaining the sense of the people of this Commonwealth, in regard to the adoption or rejection of said amendments, or either of them, the Governor of this**



Commonwealth shall issue a Writ of Election, directed to each and every Sheriff of this Commonwealth, commanding them to give notice in the usual manner, in not less than two Newspapers in each City and County: Provided, That so many are published therein, and by at least two printed hand bills in each Election District of every City and County, wherein no Newspaper is published, that an election will be held in each of the Townships, Boroughs, Wards, Precincts and Districts therein, on the First Tuesday of August, in the year of our Lord one thousand eight hundred and sixty-four, for the purpose of deciding upon the approval and ratification, or rejection, of the said amendments, which election shall be opened, held and closed upon the day last aforesaid, at the places and within the hours, at and within which the General Elections of this Commonwealth are directed to be opened, held and closed."

Now, therefore, in obedience to the Tenth Article of the Constitution, and in accordance with the true intent and meaning of the said Act of the General Assembly of this Commonwealth, I, ANDREW G. CURTIN, Governor of the said Commonwealth of Pennsylvania, do issue this Writ, commanding and requiring you, the said Adam Rebert, Sheriff of the said County, to give notice in the usual manner and as by law required, that an election will be held according to the terms of the Constitution, and provisions of the act of the General Assembly aforesaid, in each of the Townships, Boroughs, Wards, Precincts and Districts therein, on the first Tuesday of August, in the year of our Lord one thousand eight hundred and sixty-four, for the purpose of deciding upon the approval and ratification, or rejection, of the said amendments.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-first day of June, in



the year of our Lord one thousand eight hundred and sixty-four, and of the Commonwealth the eighty-eighth.

By the governor,

Eli Slifer,

Secretary of the Commonwealth.

Note.—A Writ similar to the above was issued the same day addressed to the Sheriff of each and every County in this Commonwealth.

Eli Slifer,

Secretary of the Commonwealth.

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**Proclamation Calling for Twelve Thousand Men to  
Serve at Washington and Its Vicinity for One Hun-  
dred Days.**

Pennsylvania, ss:

[Signed] A. G. Curtin.



Commonwealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylvan-  
ia. ANDREW G. CUR-  
TIN, Governor of the said

**A PROCLAMATION.**

Whereas, The President of the United States has, this day, made a call upon the Commonwealth of Pennsylvania for twelve thousand militia volunteer infantry, to serve at Washington and its vicinity, for one hundred days, unless sooner discharged:

I, Andrew G. Curtin, Governor of the said Commonwealth, do make this my Proclamation, in response thereto, and do hereby call on the freemen of Penn-



sylvania, of military age, to come promptly forward, as they have heretofore done, and fill the requisition for this important service.

It is apparent that the enemies of our Government, in desperation, are threatening us with an armed force, in the hope that the army of General Grant may be withdrawn from before Richmond, and I call upon the citizens of this Commonwealth, capable of bearing arms, to come forward without delay, and thus aid our heroic brothers in the great Army of the Republic.

Given under my hand and the Great Seal of the State, at Harrisburg, this fifth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Commonwealth the eighty-ninth.

By the Governor,

Eli Slifer,

Secretary of the Commonwealth.

### Proclamation Calling for Twelve Thousand Additional Men to Repel Invasion.

Pennsylvania, ss:

[Signed] A. G. Curtin.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said

Commonwealth.

#### A PROCLAMATION.

It is now ascertained that a large rebel force has been detached from Richmond and is advancing on the north. So large a portion of our army is at remote points, that it becomes necessary to raise immediately a sufficient body to repel them.

They are already within the borders of the Common-



wealth. You have always heretofore been ready to answer the call of your country. You will not be less ready to come forward when your own homes and firesides are to be defended against a profligate horde of plunderers. I am authorized by the President of the United States to call for twelve thousand volunteers (in addition to those required by my Proclamation of yesterday), to serve for one hundred days in Pennsylvania, Maryland and Washington and its vicinity. I appeal to the freemen of Pennsylvania to rouse themselves for the necessary effort, and to come promptly to sweep the invaders from her soil.

I refer to the General Order issued from these Headquarters, Pennsylvania Militia, No. 50, dated July 5, 1864, published with this proclamation, for the details of the arrangements. I do most earnestly desire the good and loyal men of the Commonwealth, and especially the veteran soldiers in all her borders, to show themselves worthy of her in this emergency.

Her sons have established for themselves on many a bloody field, a reputation for the martial virtues which they will not now forfeit, when both their well-earned fame and the safety of their homes and families are at stake.

Given under my hand and the Great Seal of the State, at Harrisburg, this 6th day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Commonwealth the eighty-ninth.

By the Governor,

Eli Slifer,

Secretary of the Commonwealth.



**Proclamation Convoking the Assembly in Special Session to Take Action in Connection with the Military Exigencies.**

Pennsylvania, ss:

[Signed] A. G. Curtin.



**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. **ANDREW G. CUR-**  
**TIN**, Governor of the said

Commonwealth.

**A PROCLAMATION.**

Whereas, An extraordinary occasion requires that prompt Legislative action be had, to make the Military power of the Commonwealth immediately available for State and National defence.

Therefore, I, **ANDREW G. CURTIN**, Governor of the Commonwealth of Pennsylvania, by virtue of the powers vested in me by the Constitution, do hereby convene the General Assembly of this Commonwealth, and require the members of the Senate and House of Representatives, to meet in their respective houses in the Capitol, at Harrisburg, on **TUESDAY**, the Ninth day of August, 1864, at twelve o'clock noon, of that day, then and there to deliberate upon, and adopt such measures as may, in their wisdom, be demanded by the exigencies of the occasion.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the Commonwealth to be affixed at Harrisburg, this first day of August, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States, the eighty-ninth.

By the Governor,

**Eli Slifer,**

Secretary of the Commonwealth.



To the Assembly Concerning Measures for the De-  
fense of the State and Union.

Executive Chamber,  
Harrisburg, August 9, 1864.

Gentlemen:

**I** HAVE CALLED YOU TOGETHER IN ADVANCE of your adjourned session, for the purpose of taking some action for the defence of the State. From the commencement of the present rebellion, Pennsylvania has done her whole duty to the Government. Lying as her southern counties do, in the immediate vicinity of the border, and thus exposed to sudden invasion, a selfish policy would have led her to retain a sufficient part of her military force for her own defence. In so doing, she would have failed in her duty to the whole country. Not only would her men have been withheld from the field of general operations, but the loans and taxation which would have become necessary, would have to a large extent diminished the ability of her people to comply with the pecuniary demands of the United States. She would also have necessarily interfered with, and hampered all the military action of the Government, and made herself, to some extent, responsible for any failures and short comings that may have occurred. In pursuance of the policy thus deliberately adopted, this State has steadily devoted her men to the general service. From the beginning, she has always been among the first to respond to the calls of the United States, as is shown by her history, from the three months' men and the Reserve Corps to the present moment. Thus faithfully fulfilling all her own obligations, she has a right to be defended by the National force, as part of a common country; any other view would be absurd and unjust. She, of course, cannot complain, when she suffers by the necessary contingencies of war. The reflections that have, in too many quarters, been made



upon the people of her southern counties, are most unfounded. They were invaded in 1862, when a Union army, much superior to any force of the rebels (and on which they had of course a right to rely), was lying in their immediate vicinity and north of the Potomac. They were again invaded in 1863, after the defeat of the Union forces under Milroy at Winchester, and they have again suffered in 1864, after the defeat of the Union forces under Crook and Averill. How could an agricultural people, in an open country, be expected to rise suddenly, and beat back hostile forces which had defeated organized veteran armies of the Government? It is of course expected that the inhabitants of an invaded country will do what is in their power to resist the invaders, and the facts hereinafter stated will show, I think, that the people of these counties have not failed in this duty.

If Pennsylvania, by reason of her geographical position, has required to be defended by the National force, it has only been against the common enemy. It has never been necessary to weaken the army in the field, by sending heavy detachments of veterans to save her cities from being devastated by small bands of ruffians composed of their own inhabitants. Nor have her people been disposed to sneer at the great masses of law-abiding citizens, in any other State, who have required such protection. Yet when a brutal enemy, pursuing a defeated body of Union forces, crosses our border and burns a defenceless town, this horrid barbarity, instead of firing the hearts of all the people of our common country, is actually in some quarters, made the occasion of mocks and gibes at the unfortunate sufferers, thousands of whom have been rendered houseless; and these heartless scoffs proceed from the very men who, when the State authorities, foreseeing the danger, were taking precautionary measures, ridiculed the idea of their being any danger,



sneered at the exertions to prepare for meeting it, and succeeded, to some extent, in thwarting their efforts to raise forces. These men are themselves morally responsible for the calamity over which they now chuckle and rub their hands. It might have been hoped—nay, we had a right to expect—that the people of the loyal States, engaged in a common effort to preserve their Government and all that is dear to freemen, would have forgotten, at least for the time, their wretched local jealousies, and sympathized with all their loyal fellow-citizens, wherever resident, within the borders of our common country. It should be remembered that the original source of the present rebellion was in such jealousies, encouraged for wicked purposes by unscrupulous politicians. The men who, for any purpose, now continue to encourage them, ought to be held as public enemies—enemies of our Union and our peace—and should be treated as such. Common feelings, common sympathies, are the necessary foundations of a common free government. I am proud to say that the people of Pennsylvania feel every blow at any of her sister States as an assault upon themselves, and give to them all that hearty good will, the expression of which is sometimes more important, under the infliction of calamity, than mere material aid.

It is unnecessary to refer to the approach of the rebel army up the Shenandoah valley on the third day of July last, to the defeat of General Wallace on the Monocacy, their approach to and threatening of the Capital, or to their destruction of property and pillage of the counties of Maryland lying on our border.

These events have passed into history, and the responsibilities will be settled by the judgment of the people. At that time a call was made upon Pennsylvania for volunteers, to be mustered into the service of the United States, and “to serve for one hundred days



in the States of Pennsylvania and Maryland, and at Washington and its vicinity."

Notwithstanding the embarrassments which complicated the orders for their organization and muster, six regiments were enlisted and organized, and a battalion of six companies.

The regiments were withdrawn from the State, the last leaving the 29th day of July. I desired that at least a part of this force should be confined in their service to the States of Pennsylvania and Maryland, and made such an application to the War Department. As the proposition did not meet their approbation it was rejected, and the general order changed to include the States named and Washington and its vicinity.

No part of the rebel army at that time had come within the State. The people of the border counties were warned, and removed their stock, and at Chambersburg and York were organized and armed for their own protection.

I was not officially informed of the movements of the Federal armies, and of course, not of the strategy of their commanders; but it was stated in the newspapers that the rebel army was closely pursued after it had crossed the Potomac, and was retiring up the valley of the Shenandoah. Repeated successes of our troops were also announced, and the people of this State had just cause to believe that quite a sufficient Federal force had been thrown forward for its protection upon the line of the Potomac. On Friday, the 29th of July, the rebel brigades of Johnson and M'Causland, consisting of from two thousand five hundred to three thousand mounted men, with six guns, crossed the Potomac at Clear Spring ford. They commenced crossing at ten o'clock A. M., and marched directly on Mercersburg. There were but forty-five men picketed in that direction, under the command of Lieut. M'Clean, U. S. A., and as the enemy succeeded in cut-



ting the telegraph communication, which from that point had to pass west by way of Bedford, no information could be sent to General Couch, by telegraph, who was then at Chambersburg. The head of this column reached Chambersburg at three o'clock, A. M., on Saturday, the 30th.

- The rebel brigades of Vaughn and Jackson, numbering about three thousand mounted men, crossed the Potomac at about the same time at or near Williamsport; part of the command advanced on Hagerstown; the main body moved on the road leading from Williamsport to Green Castle. Another rebel column of infantry and artillery crossed the Potomac simultaneously at Shepherdstown, and moved toward Leitersburg. General Averill, who commanded a force, reduced to about two thousand six hundred men, was at Hagerstown, and being threatened in front by Vaughn and Jackson, on his right, by M'Causland and Johnson, who also threatened his rear, and on his left by the column which crossed at Shepherdstown, he therefore fell back upon Green Castle.

Gen. Averill, it is understood, was under the orders of Gen. Hunter; but was kept as fully advised, by Gen. Couch, as was possible, of the enemy's movements on his right and to his rear. Gen. Couch was in Chambersburg, where his entire force consisted of sixty infantry and forty-five cavalry, and a section of a battery of artillery, in all less than one hundred and fifty men. The six companies of men, enlisted for one hundred days, remaining in the State, and two companies of cavalry, had, under orders, from Washington, (as I am unofficially advised), joined Gen. Averill. The town of Chambersburg was held until daylight by the small force under Gen. Couch, during which time the Government stores and train were saved. Two batteries were then planted by the enemy, commanding the town, and it was invested by the whole command of Johnson and



**M'Causland.** At seven o'clock, A. M., six companies of dismounted men, commanded by Sweeney, entered the town, followed by mounted men under Gilmore. The main force was in line of battle. A demand was made for one hundred thousand dollars in gold, or five hundred thousand dollars in Government funds, as ransom, and a number of citizens were arrested and held as hostages for its payment. No offer of money was made by the citizens of the town, and even if they had any intention of paying a ransom, no time was allowed, as the rebels commenced immediately to burn and pillage the town, disregarding the appeals of women and children, the aged and infirm, and even the bodies of the dead were not protected from their brutality. It would have been vain for all the citizens of the town, if armed, to have attempted, in connection with Gen. Couch's small force, to defend it. Gen. Couch withdrew his command, and did not himself leave until the enemy were actually in the town. Gen. Averill's command being within nine miles of Chambersburg, it was hoped, would arrive in time to save the town, and efforts were made during the night to communicate with him. In the meantime, the small force of Gen Couch held the enemy at bay. Gen. Averill marched on Chambersburg, but did not arrive until after the town was burned, and the enemy had retired. He pursued and overtook them at M'Connellsburg, Fulton county, in time to save that place from pillage and destruction. He promptly engaged and defeated them, driving them to Hancock and across the Potomac.

I commend the houseless and ruined people of Chambersburg to the liberal benevolence of the Legislature, and suggest that a suitable appropriation be made for their relief. Similar charity has been heretofore exercised in the case of an accidental and destructive fire at Pittsburg, and I cannot doubt the disposition of the Legislature on the present occasion.



On the fifth day of this month a large rebel army was in Maryland, and at various points on the Potomac as far west as New creek; and as there was no adequate force within the State, I deemed it my duty on that day to call for thirty thousand volunteer militia for domestic protection. They will be armed, transported and supplied by the United States, but as no provision is made for their payment, it will be necessary, should you approve my action, to make an appropriation for that purpose.

Feeling it to be the duty of the General Government to afford full protection to the people of Pennsylvania and Maryland, by the defence of the line of the Potomac, I united with Gov. Bradford in the following letter to the President, dated July 21, A. D. 1864:

State of Maryland, Executive Department,  
Annapolis, July 21, 1864.

His Excellency, Abraham Lincoln, President of the  
United States:

Sir: The repeated raids across the Potomac river, made by portions of the rebel army, and the extent of the damage they have succeeded so frequently in inflicting, have most injuriously affected the people of Maryland and Pennsylvania in the neighborhood of that river, and many of them, it is believed, as the only security against such losses in the future, are seriously considering the propriety of abandoning their present homes, and seeking safety at the north.

It seems to us that not merely in this sectional aspect of the case, but in its national relations, the security of this border line between the loyal and rebellious States, is an object justifying and requiring a disposition of a portion of the national force, with an especial view to its defence. The Potomac river can only be crossed, in its ordinary state of water, at some five or six fords, and we propose to enlist from our re-



spective states, a volunteer force that shall be sufficient, with the aid of the fortifications which the force itself can speedily construct, to effectually guard them all. We ask of the Government that the recruits so raised shall be credited to the quotas of our several States, on the call last made, and be armed, equipped and supplied as other volunteers in the service.

We are aware that, as a general rule, well founded objections exist to the enlistment of a force to be exclusively used for home or local defence; but we regard such a service as we now suggest as an exceptional case, and the complete protection of this part of our frontier as of admitted national importance.

Soon after the outbreak of this rebellion, the importance of a special defence of the region bordering on the Upper Potomac, was recognized by the Government, and the Hon. Francis Thomas, of Maryland, was authorized by it to raise three regiments, with a view to the protection of the counties on either side of that river. These regiments were raised, but the subsequent exigencies of the service required their employment elsewhere, and they therefore afford at present no particular security to that region beyond other troops in the service.

The necessity, as we think, for some peculiar provision has now become so obvious that we would with great respect, but most earnestly urge upon your Excellency the expediency of acceding to the suggestions we have made, and we will immediately set about raising the forces required, and we have no doubt they will be promptly procured.

We have the honor to be,

With great respect,

Your obedient servants,

(Signed)

A. W. BRADFORD,  
A. G. CURTIN.



The following letter from the Assistant Adjutant General, dated August 1st, A. D. 1864, is the only reply received by me up to this time.

War Department, Adjutant General's Office,  
Washington, D. C., August 1, 1864.

His Excellency, the Governor of Pennsylvania, Harrisburg:

Sir—I have the honor to acknowledge the receipt of the joint letter from yourself and the Governor of Maryland, dated July 21st, 1864, asking authority to raise a volunteer force in your respective States, to be exclusively used for home or local defence, and for guarding the fords of the Potomac.

In reply, I am directed by the Secretary of War to inform you that the proposition has been fully considered, and that the authority asked for cannot be granted.

In this connection please see the act of Congress, approved February 13, 1862, as promulgated in General Orders, No. 15, series of 1862, from this office.

I have the honor to remain, sir,

Very respectfully,

Your obedient servant,

(Signed)

THOMAS M. VINCENT,  
Assistant Adjutant General.

Mem.—Similar letter sent His Excellency, the Governor of Maryland, this date.

How the reason given for the refusal to act on this proposition, can be made consistent with the enlistment of our men for one hundred days to serve in Pennsylvania, Maryland and at Washington and its vicinity, it is hard to perceive.

On the suggestion made by the citizens of the border counties, the following communication, dated July 22, 1864, was made by Maj. General Couch to the Secretary of War.

Headquarters Department of the Susquehanna,  
Harrisburg, Pa., July 22, 1864.

Hon. Edwin M. Stanton, Secretary of War:

Sir—During the recent raid into Maryland, the citizens of Chambersburg turned out with a determination to stand by



the few soldiers present and hold the town against any cavalry force that might assault it. Five hundred citizens of York, irrespective of party, volunteered, were armed and went down the Northern Central railroad to guard the bridges or hold their town. This is stated in order to show you that the "border citizens" are beginning to realize that by a united action they have the strength to protect themselves against an ordinary raiding party. Enclosed, I invite your attention to a letter addressed to the Governor, together with his endorsement upon the subject of forming a special corps from the six border counties most exposed.

If ten thousand men can thus be organized, its existence would be a protection and give confidence.

I am informed that the general sentiment of the people in question is in favor of something being done at once, and, as a military measure, think it will be of essential service to the General Government, and recommend that the War Department encourage the movement by authorizing the loan or issue of uniforms, provided the law in question is enacted.

It is believed that the new militia law of this State will practically prove of no value, excepting that an enrolment will probably be made.

I am, sir,

Very respectfully,

Your obedient servant,

(Signed)

D. N. COUCH,

Major General Commanding Department.

Headquarters Department of the Susquehanna,

Harrisburg, Pa., August 4, 1864.

A true copy respectfully furnished for the information of his Excellency, Governor A. G. Curtin.

JNO. S. SCHULTZE,

Assistant Adjutant General.

On the same day, I approved, in writing, of the proposition, and expressed my opinion that the Legislature would pass an act in accordance with it, at its adjourned session, on the 23d of August. I am furnished with an official copy of the following reply, dated August 1, 1864, to the proposition of General Couch.



War Department, Adjutant General's Office,  
Washington, D. C., August 1, 1864.

Major General D. N. Couch, commanding, &c., Harrisburg,  
Penna.:

General—I have the honor to acknowledge the receipt of your letter of the 22d of July, relative to the United States providing uniforms for a "special corps" of militia from certain border counties of Pennsylvania.

In reply, I am directed to inform you that the subject has been carefully considered by the Secretary of War, who cannot sanction the issue of the clothing in question.

I am, General,

Very respectfully,

Your obedient servant,

(Signed)

THOMAS M. VINCENT,  
Assistant Adjutant General.

Headquarters Department of the Susquehanna,  
Harrisburg, Pa., August 6, 1864

A true copy respectfully furnished for the information of His Excellency, Governor A. G. Curtin.

JNO. S. SCHULTZE,  
Assistant Adjutant General.

In each of the three years, 1862, 1863 and 1864, it has been found necessary to call the State militia for the defence of the State, and this has been done with the assent and assistance of the General Government. From the want of organization we have been obliged to rely exclusively on volunteer militia, and with few exceptions to organize them anew for each occasion. This has caused confusion and a loss of valuable time, and has resulted in sending to the field bodies of men in a great measure undisciplined. The militia bill passed at the last session, is, I think, for ordinary times, the best militia law we ever had. But under the existing extraordinary circumstances, it seems to require modifications. I suggest that the assessors be directed to make an immediate enrolment, classifying the militia as may be thought best; that the officers be appointed by the Governor, on the recommendation approved by him of a board of



examination, composed of three Major Generals for each division, of whom the Major General of the Division shall be one, the other two to be designated by the Governor from adjoining divisions, or in such other mode as the Legislature may think fit. That in all cases the officers shall be selected by preference from officers and men who have been in service, and shall have been honorably discharged by the United States; and that effectual provision be made for drafting the militia when required.

The recommendation in regard to appointments, is made to avoid the angry dissensions and too often political jealousies, which divide military organizations by the election of officers, and to secure the services of the most deserving and competent men.

The election of officers in the volunteer forces in the field has been found to be injurious to the service, while promotions by seniority and appointment of meritorious privates have produced harmony and stimulated to faithfulness. In the enlistments of new organizations, the plan adopted of granting authority to officers to recruit companies, has been found to be the best policy.

I also recommend that the Governor be authorized to form (either by the acceptance of volunteers or by draft, in such parts of the State as he may deem expedient,) a special corps of militia, to consist in due proportion of cavalry, artillery and infantry, to be kept up to the full number of fifteen regiments, to be styled "Minute Men," who shall be sworn and mustered in the service of the State for three years, who shall assemble for drill at such times and places as he may direct, who shall be clothed, armed and equipped by the State, and paid when assembled for drill or called into service, and who shall at all times be liable to be called into immediate service for the defence of the State, independently of the remainder



of the militia. As this force would be subject to sudden calls, the larger part of it should be organized in the counties lying on our extreme border, and as the people of those counties have more personal interest in their protection, the recommendation is made to authorize the Governor to designate the parts of the State in which it shall be raised, and to save the time, expense of transporting troops from remote parts of the State, and the subsistence and pay in going to and from the border. A body of men so organized, will, it is believed, be effective to prevent raids and incursions. The expenses of clothing, arming and equipping such a force, cannot be correctly ascertained, but the Quartermaster General has been directed to make approximate estimates for your information, which will be independent of pay and subsistence. The State should provide at least six four gun batteries of field artillery, with all the modern improvements. The suggestion has been frequently made by unreflecting persons, that the State should raise a force, and keep it permanently in the field for her defence. Apart from other considerations, it is to be observed that the expenses of such a measure would be quite beyond the present ability of the State.

To raise and maintain an army of fifteen regiments would involve an annual expenditure of more than fifteen millions of dollars, and any smaller force would be inadequate. The plan which I have above proposed would, I think, give the State efficient protection, and if the Legislature should think fit to adopt it, the expense can be readily provided for by law or otherwise. Having an organized force under the control of the authorities of the State, and mustered into the service for domestic protection, we would not as heretofore lose time in arranging for transportation and supplies with the National Government,



when it became necessary to call it into the field. When thoroughly organized, it should be in all its appointments an army which could be increased by drafts made from our enrolled and classified citizens.

The plan which I have above suggested, is the result of reflection and experience which I have had during the last three years, and I have felt it to be my duty to submit it for your consideration for the purpose of providing for the effectual defence of the State. I, of course, cannot doubt your approval. If the Legislature should prefer the adoption of any other plan, more efficient and economical than the one which I have herein proposed, it will give me pleasure to co-operate heartily in carrying it into effect.

In accordance with the act of May 4, 1864, I have appointed for the Eastern armies, Col. F. Jordan, as agent at Washington, and Lieut. Colonel James Gilliland as assistant agent at that place, and also for the Southwestern armies, Lieut. Colonel James Chamberlin, as agent at Nashville. These agents are now actively engaged in the performance of their duties, and it is desirable that our people should be aware that a part of them consists in the gratuitous collection of all claims by Pennsylvania volunteers or their legal representatives on the State and National Governments. Volunteers having claims on either of these Governments can have them collected through these agents without expense, and thus be rescued from the extortions to which it is feared they have sometimes heretofore been subjected.

Having received information from the agents of the State, that our sick and wounded were suffering greatly from the want of comforts, and even necessities, I have been recently compelled to call on the people to contribute supplies mainly in kind for their relief, and it gives me pleasure to say that this ap-



peal has been cheerfully responded to, as have been all my former appeals to the same end. It seems impossible to exhaust the liberality of our generous people, when the well being of our brave volunteers is in question.

In my special message of 30th April last, I stated the circumstances attending the advance by banks and other corporations, of funds for the payment of the militia called out in 1863. In consequence the Legislature passed the act of 4th May, 1864, authorizing a loan, for the purpose of refunding, with interest, the amount thus advanced, in case Congress should fail to make the necessary appropriation at its then current session. I regret to say that Congress adjourned without making such appropriation.

The balance in the Treasury being found sufficient to reimburse the funds so advanced, without unduly diminishing the sinking fund, I have deemed it advisable not to advertise for proposals for the loan, and I recommend the passage of an act directing the payment to be made out of the moneys in the Treasury.

As the omission of Congress to act on this subject involved an unprecedented disregard of the good faith of the national authorities, I recommend that the Legislature take measures for procuring an appropriation at the next session of Congress.

The revenue bill passed at the last session has been found to be defective in several points, and I recommend a careful and immediate revision of it.

The bounty bill, passed at the last session, is found to be defective and unjust in many of its provisions, and from the manner in which it is administered in some parts of the State, oppressive on the people. I therefore recommend a careful revision of it.

As the present session has been called for the consideration of matters of vital importance, I commend them to your earnest and exclusive attention.

A. G. CURTIN.



To the Assembly Concerning the Erection of Wings  
to the State Capitol.

Gentlemen:—

**T**HE UNDERSIGNED WOULD RESPECTFULLY report, that, by section thirty-one of the appropriation act, of May 5, 1864, they were appointed to superintend the expenditure of the sum of fifty thousand dollars, for erecting wings to the Capitol, “according to the original plan.” After examining that plan, they were fully satisfied that the required and necessary addition to the Capitol building could not be made “according to the original plan,” and can only be made by an additional wing to the building on its eastern front, where it can be made not only without injury to the present structure, but in such a manner as to improve the present appearance of that front of the Capitol. And they herewith submit a plan for such an addition, for the consideration and action of your honorable body.

A. G. CURTIN,  
HENRY D. MOORE.

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To the Assembly Vetoing “An Act Relative to the  
Capital Stock of the Petroleum Bank.”

Executive Chamber,  
Harrisburg, August 11, 1861.

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 120, entitled “An Act relative to the capital stock of the Petroleum Bank.”

The Constitution provides that six months’ previous notice shall be given of applications for charters, or for the renewal or extension of charters of banks, in such “manner as shall be prescribed by law.”



A law has been passed prescribing the manner of giving the notice. The present bill provides that a defective publication of such notice shall be deemed and held to be good and valid in law. In other words, the bill proposes to violate or evade the constitutional provision.

I therefore return the bill without my signature.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Relative to the  
Capital Stock of the Venango Bank."

Executive Chamber,  
Harrisburg, August 11, 1861.

Gentlemen:—

[ HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 118, entitled "An Act  
relative to the capital stock of the Venango  
Bank."

The Constitution provides that six months' previous notice shall be given of applications for charters, or for the renewal or extension of charters of banks, in such "manner as shall be prescribed by law."

A law has been passed prescribing the manner of giving the notice. The present bill provides that a defective publication of such notice shall be deemed and held to be good and valid in law. In other words, the bill proposes to violate the constitutional provision.

I therefore return the bill without my signature.

A. G. CURTIN.



To the Senate Relating the Facts in Connection with  
an Alleged Violation of Good Faith on the Part of  
the War Department in Ordering the 187th Penn-  
sylvania Volunteers into Active Service.

Executive Chamber,  
Harrisburg, August 17, 1864.

**I RECEIVED THE FOLLOWING RESOLUTION**  
on the 12th of August instant:

Senate Chamber,

"Whereas, Great dissatisfaction exists in the One hundred and eighty-seventh regiment, Pennsylvania volunteers, now attached to the fifth army corps, in consequence of an alleged violation of good faith toward them, on the part of the War Department, in ordering them into active service, contrary to the terms of their enlistment, as contained in General Order No. 20, issued by Major General Couch, on the 24th day of March last; therefore,

"Be it resolved by the Senate of Pennsylvania, That the Governor be respectfully requested to communicate to the Senate all the facts within his knowledge, appertaining to the said regiment, and the duties for which the same was specially and specifically recruited and mustered into the United States service."

[Extract from the Journal.]

GEO. W. HAMERSLY, Clerk.

I have the honor to reply that the One hundred and eighty-seventh regiment, Pennsylvania volunteers, was recruited on an order of the War Department, made on the application of Major General Couch, about the 22d of March, 1864. I was not furnished with a copy of the application of Major General Couch. The following copy of the order of the War Department was furnished me at the time:



[Telegram.]

War Department,  
Adjutant General's Office,  
Washington, D. C., March 22, 1864.

Major Gen. D. N. Couch, Chambersburg, Pa.:

This will be authority to recruit the six (6) months infantry battalion to ten (10) companies. In answer to your telegram of seventeenth, (17th).

By order.

(Signed)

THOMAS M. VINCENT,  
Assistant Adjutant General.

Official copy respectfully furnished for the information of His Excellency, the Governor of Pennsylvania, Harrisburg.

THOMAS M. VINCENT,  
Assistant Adjutant General.

The following order was published by Major General Couch, and under it the regiment was quickly filled to the maximum number:

Headquarters,  
Department of the Susquehanna,  
Chambersburg, Pa., March 24, 1864.

General Orders,  
No. 20.

Authority having been granted by the War Department to the commanding General of the Department of the Susquehanna, the first battalion three years Pennsylvania volunteers (formerly six months volunteers), consisting of six companies, mustered into the United States service for three years, or during the war, is authorized to recruit to ten companies of the maximum strength.

This battalion is on provost duty in this Department, and it offers a good opportunity to those persons who have been in the service, and have been honorably discharged, to re-enter; and to those of good character, who have not been in the service, to enter the same. Only those known to the recruiting officers and persons authorized to recruit, as being reliable and trustworthy will be received, as the nature of the duty this battalion is called upon to perform, is such that it requires soldiers in whom the commanding officers can place confidence. Persons taking advantage of the benefits arising from enlistment in this battalion, will receive the bounties paid by the Government as authorized in existing orders.

The officers must be men who have had some experience in



the military service, intelligent, and of good character, and only those bringing the requisite number of men and possessing the above qualifications, will be recommended to the Governor of the State for commissions.

Recruits, and persons having squads of recruits, will report to Captain George W. Merrick, first battalion, three years Pennsylvania volunteers, and recruiting officer for the same, at Harrisburg, Pennsylvania.

Application to enter this battalion must be made at once, that the companies may be filled and organized before the first of April next, after which date, the additional Government bounties as now paid will be discontinued, and only the one hundred dollars bounty will be paid, as provided by the act approved July 22, 1861.

By command of Major General Couch.

JOHN S. SCHULTZE,

Assistant Adjutant General.

(Official.) J. N. Potter, Aid-de-Camp.

I commissioned the officers nominated, and the companies were on duty in different parts of the military district of the Susquehanna, until the 17th of May, 1864, when, as I am unofficially informed, the regiment was ordered by the National authorities to Washington, and thence to the army commanded by Lieutenant General Grant.

Application was made, after the regiment was ordered out of the State, to have it returned, and the officers and men presented a petition to the President, setting forth that they were enlisted for provost duty within the State, and asking to be ordered back.

In July, I received a notice from the Assistant Adjutant General, United States army, that the application was refused, which was immediately forwarded to the regiment. I asked for a copy of the paper, and received the following by telegraph to-day.

Washington, August 17, 1864.

To His Excellency, the Governor of Pennsylvania:

I have the honor to inform you, that the statement of certain members of the One hundred and eighty-seventh Penn-



sylvania volunteers, to the effect that they were enlisted and mustered into service for duty in the State, has been duly investigated, and I am directed to state, that the examination has failed to show that the regiment was raised with any condition or reservation whatever.

THOMAS M. VINCENT,  
Assistant Adjutant General.

I do not know of any paper on file, in any of the departments; nor can I refer to any other facts than as above stated of importance, in answer to your resolution.

A. G. CURTIN.

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To the Senate Nominating Joseph A. Phillips to be  
Surgeon General of Pennsylvania.

Executive Chamber,  
Harrisburg, August 22, 1864.

Senators:—

ON THE FIRST DAY OF AUGUST, INSTANT, I nominated and appointed Joseph A. Phillips, of the county of Allegheny, Surgeon General of Pennsylvania, and I now submit such nomination and appointment for the advice and consent of the Senate.

A. G. CURTIN.



To the Senate Concerning Certain State Troops,  
with Correspondence Relating Thereto.

Executive Chamber,  
Harrisburg, Pa., August 22, 1864.

Gentlemen:—

I RECEIVED THE FOLLOWING PREAMBLE  
and resolution on the 20th of August, instant:

“Whereas, It is alleged that the officers of the Third Pennsylvania artillery (or the Provisional regiment) are without commissions, and the regiment, although in the front, is without surgeons; therefore, in order to ascertain where the neglect is, be it

“Resolved, That the Governor be requested to furnish, at his earliest convenience, any correspondence that he may have had with the President of the War Department in relation thereto.”

To which I have the honor to reply, that on the recommendation of an officer of the War Department, on the 18th day of June, 1862, I appointed A. A. Gibson, then a captain in the artillery service of the United States, colonel of the Second regiment, Pennsylvania artillery. It was represented to me that he was very well qualified, and I selected him accordingly, for this particular arm of the service. Early in January, 1863, complaints were made to me by the officers of this regiment, in reference to the conduct of Colonel Gibson, and indeed charges were made of a serious character. I was extremely reluctant to interfere between the War Department and a colonel then in the service, but these complaints continued to be repeated, and in the month of May or June, 1863, when in Washington city on other business, I was called upon by many of the officers of the regiment—gentlemen who were personally known to me to be entirely reliable—and statements were made so serious, that I could not disregard them, and I addressed the Secretary of War



upon the subject, (and sent my communication from Willard's Hotel, without, however, retaining a copy,) asking that Colonel Gibson should be relieved from the command of the regiment, and ordered back to his regiment in the army. To this Communication no answer was returned, but to my surprise I learned, unofficially, that all that was required to secure the removal of Colonel Gibson, was my request to that effect. On the 2d of December, 1863, I again addressed the Secretary of War as follows:

Executive Chamber,

Harrisburg, Pa., December 2, 1863.

Hon. Edwin M. Stanton, Secretary of War:

Sir:—I beg leave to request most earnestly that you will issue an order to Colonel A. A. Gibson, now commanding the One Hundred and Twelfth regiment, Pennsylvania volunteers, (Second Pennsylvania artillery,) relieving him from that command, and returning him to his post as captain in the second regiment of artillery, (regulars.) I am constrained to make this request, from the fact that Colonel Gibson has not, and does not give satisfaction to his regiment, that his officers (some of them the finest in the service) are constantly appealing to me to relieve them. Charges of a serious nature could be preferred, but this would involve the delay attending a court martial, and would create dissensions, all of which can be avoided by his being returned to his regular rank. The most charitable construction placed upon his conduct by his officers, is that he is insane, and under such circumstances the mildest means consistent with the good of the service are probably the best.

I respectfully refer to papers already on file in your Department, with my endorsement, in relation to this subject, and I beg that the order may issue.

Very respectfully,

Your obedient servant,

A. G. CURTIN.



To which no answer was returned. The complaints still continuing, and both officers and men constantly appealing to me, I again addressed the Secretary of War, on the 19th January, 1864, as follows:

Executive Chamber,

Harrisburg, Pa., January 19, 1864.

Hon. Edwin M. Stanton, Secretary of War:

Sir:—I have upon two occasions before this endeavored to call your attention to the propriety of ordering Colonel A. A. Gibson, now commanding the Second regiment, Pennsylvania artillery, to join his own regiment of regulars, and was surprised that no answer had been returned. I learn, however, unofficially, that my letters on this subject have not reached you. I therefore take the liberty of enclosing to you a copy of my last letter on this subject, which fully explains the matter; and, in addition to what is there stated, it is proper to say, that from information received, I am assured that if Colonel Gibson is not removed very few of that regiment will re-enlist, and that if he is, nearly all of them will. Hence the necessity for early action.

Very respectfully,

Your obedient servant,

A. G. CURTIN.

This letter I sent to Washington city by a member of my staff, who delivered it to the Secretary of War in person, on the 23d of January, 1864.

No action having been taken, although a court of inquiry had been in session upon charges preferred against Colonel Gibson, and the complaints still continuing, on the 16th June, 1864, I addressed the President of the United States as follows;



Executive Chamber,  
Harrisburg, Pa., June 16, 1864.

Sir:—In the spring of 1862 you requested me to raise a volunteer regiment of heavy artillery, called the Second regiment, Heavy artillery, Pennsylvania volunteers. The order being a special one, there seemed to be required, to command the regiment, an officer of experience in that particular line, and one of the officers of the War Department recommended, for that purpose, Captain A. A. Gibson, of the State of Maine, then a captain in Second artillery, United States army. In compliance with this recommendation, and without any other knowledge of Captain Gibson, I appointed and commissioned him, on the 18th of June, 1862, as colonel of the regiment.

His conduct and deportment since have been most intolerable. He has violated the faith of the Government, pledged to recruits, for regiments in the field, by general order No. 88, July 25, 1862, which provides that they shall be permitted to select any company of the regiment they may prefer. In contempt of this order, he has forced recruits into batteries other than those which they selected.

In at least one instance, he has used language, to a commissioned officer of his regiment, in presence of an enlisted man, unbecoming an officer and a gentleman, and calculated to subvert all discipline.

He has treated the Commonwealth of Pennsylvania with contempt, by returning, to her agent, the flag which he supposed to be the flag presented to the regiment by the State, under the direction of an act of Assembly, and giving as a reason for so doing, that when the regiment was mustered into the service of the United States, it ceased to have anything to do with the State.

He has slandered the whole people of Pennsylvania, and especially her gallant soldiers in the field, by



saying, "Pennsylvania soldiers will not fight. One southern soldier is worth three of them. The rebel officers make a practice of ascertaining in what part of the battle-field the Pennsylvania troops are stationed, and then attack that part of the line," or words to that effect.

In utter defiance and contempt of the acts of Congress, to be presently referred to, he took possession of a first lieutenant's commission, which I had issued to a non-commissioned officer of the regiment, court martialed the officer for having accepted it, and retained the commission until it had been given in evidence before the court martial.

The facts above recited were all reported as proved by a court of inquiry, assembled on the 25th of January, 1864, of which Brigadier General De Russey was president, which also reported that, in the opinion of the court, no further military proceedings were necessary in the case.

I add, that the proceedings of Colonel Gibson have been habitually so offensive, that I have long ceased to hold any communication with him.

The heavy artillery is known to be a favorite arm. One regiment was raised in Pennsylvania, and when that was completed a second was authorized to be raised. Authority to raise more in this State was refused, although in New York no less than sixteen regiments were authorized. In consequence of this refusal there was a large surplus recruited for the Second regiment. This surplus amounts to more than enough to form another regiment, and measures were taken by the War Department to form one accordingly. The act of Congress of 22d July, 1861, provides that the field, staff and company officers of volunteer regiments shall be commissioned by the Governors of the respective States, and the act of Congress of 6th August, 1861, provides that vacancies thereafter



occurring in the volunteer regiments shall be filled by the Governors of the States respectively, in the same manner as original appointments.

In defiance of these provisions, Colonel Gibson undertook to appoint all the commissioned officers of the proposed new regiment, (except the lieutenants, surgeons and chaplains,) including the colonel, and the persons thus named by him have been put in command.

I of course disregarded this unwarrantable interference with the authority conferred on me by Congress, and appointed and commissioned the persons, carefully selected for their fitness, to be officers of the new regiment. These officers have not been mustered in; the new regiment has now been sent into the field, having only ten company officers for more than fourteen hundred men, a number of them without commissions, at least four companies of from one hundred to one hundred and fifty men each, being commanded by sergeants, and, as I am credibly informed, without the usual supply of surgeons, surgical instruments or medical supplies.

The conduct of Colonel Gibson produced great exasperation and discontent among the officers and men of the regiment, and their complaints to me were frequent and urgent.

I repeatedly requested the War Department to return him to his battery, as captain in the regular service, but without success. I annex to this letter copies of the last two letters which I addressed to the War Department on this subject, dated respectively 2d December, 1863, and 19th January, 1864.

Under these circumstances, I have arrived at the conclusion that I can no longer permit Col. Gibson to remain in command of the regiment, and by virtue of the power of removal vested in me, by the power of appointment conferred on me by the act of Congress,



I have determined to revoke and supersede and vacate his commission, and dismiss him from his office.

The most gentle construction to be put on the conduct of Col. Gibson, would be to ascribe it to partial insanity. It appears that he admitted before the court of inquiry, that he had the reputation of being eccentric, but not to the extent charged.

To whatever cause, however, his course is to be attributed, my respect for the Commonwealth, whose organ I am, and my regard for the welfare of her citizens recruited for the Second Pennsylvania artillery, and now in the field, require that I should seriously invoke your aid to overcome the obstacles hitherto created by some of your officers, and by which the exercise of the just authority conferred on me by the acts of Congress, has been thus far in this case prevented. You, Sir, are the responsible head of the Government. Your duty and your oath of office require you to see that the laws be faithfully executed. These very acts of Congress were approved and signed by yourself. I will not believe that you will in effect violate them yourself, by permitting officers who are under your control to disregard and trample on them.

For obvious reasons connected with the public service, it is desirable to avoid, so far as may be possible, any appearance of a collision between us on such a subject. If you conceive that the law, as it now stands, is unwise or inconvenient, Congress is still in session, and you can recommend an alteration of it. I pray you to recollect that under that law, as it exists, my duties and responsibility are co-extensive with my authority. I have no alternative but to exercise it in conformity with my best judgment and discretion.

I do, therefore, most respectfully, but most earnestly, request from you the assurance that you will immediately give orders which shall be effective on



all your officials, to obey the acts of Congress above referred to.

1st. By mustering out any field, staff or company officers in the regiments of Pennsylvania volunteers, whose commissions shall have been revoked and superseded by the Governor of their State; and

2d. By mustering in (except in cases provided for by the act of Congress) any persons who shall have been commissioned as such officers in such regiments, by the Governor of the State, whether as original appointments or to fill vacancies.

Under great discouragements, this Commonwealth and her authorities have endeavored, in every way, to aid the Government in its struggle with treason; and I am proud to believe, have most promptly, and fully and cheerfully discharged their whole duty in this regard, and by the blessing of God, will continue to do so. Her citizens have freely shed their blood in defence of our common country. They have volunteered in her service, in the faith of solemn assurances, by acts of Congress, approved by yourself, that the selection of their regimental officers should be confided to the authorities of their own State, who would be comparatively familiar with their wants and with their merits and claims.

Sir, I implore you, do not teach them that these assurances have been solemn deceptions, and may be violated at the whim of any person holding a position in any of the grades of the military hierarchy, from the Commander-in-chief down to a mustering officer.

Very respectfully,

Your obedient servant,

A. G. CURTIN.

To the President.

To this no reply was received.

On the receipt of the following letters, addressed to the Surgeon General of Pennsylvania, surgeons



were at once assigned to the regiment, and ordered forwarded, viz:

Headquarters Pro. 2d Pa. Heavy Artillery,  
Pro. Brl. 1st Div., 9th Army Corps,  
Virginia, May 29, 1864.

Adjutant General, United States Army:

Sir—For the reason that no medical attendance has been permanently attached to my regiment, by the Department, I applied to my brigade commander, who assigned, temporarily, Assistant Surgeon L. Phillips, 14th New York artillery.

I would respectfully request that Assistant Surgeon L. Phillips be permanently attached as surgeon of this regiment, not only for his energy and ability, but for the marked success with which he alone has managed the twelve hundred men now in my command.

It is needless for me to set forth the importance of having permanent medical attendance.

The two assistant surgeons ordered to report to me, by the Medical Department at Washington, are not with the regiment, the one left it after being attached two days, without even reporting a cause therefor, the other has not yet reported.

I am, General,

Most respectfully,

Your obedient servant,

THOMAS WILHELM,

Col. Pro. 2d Pa. Heavy Artillery, Comd'g.

Surgeon General's Office, June 14, 1864.

A true copy.

(Signed)

CHARLES C. LEE,

Assistant Surgeon U. S. Army.

Surgeon General's Office,

Washington City, D. C., June 14, 1864.

Sir—I am directed by the Acting Surgeon General to call your attention to the fact that the Provisional Second Pennsylvania heavy artillery has been sent to the field, without commissioned medical officers, and that urgent complaints are made, upon the want of medical attendance, as will be seen by the enclosed letter.

Your attention is respectfully called to this subject at your earliest convenience.



The two assistant surgeons referred to in Colonel Wilhelm's letter, were serving temporarily under contract.

I am, Sir,

Very respectfully,

Your obedient servant,

By order of the Acting Surgeon General,

(Signed)

CHARLES C. LEE,

Assistant Surgeon U. S. Army.

Dr. William S. King, Surgeon General of Pennsylvania, Harrisburg, Pa.

Before, however, the surgeons so assigned had joined the regiment, the following letter was received from the Surgeon General of the United States:

Surgeon General's Office,

Washington City, D. C., June 22, 1864.

Sir—On the 14th instant a letter was written to you calling your attention to the fact that the Provisional Second Pennsylvania heavy artillery had been sent to the field without commissioned medical officers.

Since the above letter was mailed, this office has been informed by the War Department, that "it (Second Pennsylvania Provisional heavy artillery) is a provisional regiment, organized by this (War Department) department, and the Governor of Pennsylvania cannot commission officers for it, and commissions by the Governor cannot be recognized."

I am, Sir,

Very respectfully,

Your obedient servant,

By order of the Acting Surgeon General,

(Signed)

C. H. CRANE,

Surgeon U. S. Army.

Dr. James King, Surgeon General of Pennsylvania, Harrisburg, Pa.

Immediately upon the receipt of this letter, I again addressed the President of the United States as follows:

Executive Chamber,

Harrisburg, Pa., June 24, 1864.

Sir:—Since my communication of the 16th June,



instant, the Surgeon General of Pennsylvania has received a letter from the acting Surgeon General of the United States, a copy of which is herewith furnished, in which you notice that it is assumed that the Governor of Pennsylvania cannot commission officers in what is called the Second Pennsylvania provisional regiment, heavy artillery, and that the surgeons sent forward by my directions cannot be recognized by the War Department.

I cannot believe that this assumption of power can meet your approbation, but feel it my duty to ask the question.

Very respectfully,

Your obedient servant,

A. G. CURTIN.

To the President.

P. S.—That you may have a full view of the position of this affair, I enclose copies of the prior correspondence between the Surgeon General, U. S. A., and the Surgeon General of Pennsylvania.

A. G. C.

No reply having been received to this, I again addressed the President, (by telegraph,) as follows, viz:

Executive Chamber,

Harrisburg, Pa., July 16, 1861.

Sir:—On the 16th and 24th of June last, I had the honor to address you letters in reference to the Second regiment, heavy artillery, Pennsylvania volunteers, which I regarded as of importance to the public service, to which no answers have yet been received.

I beg leave to call your attention to my letters, and to ask an answer. My letters from the regiment, since it was sent to the front, are of such a character that it is my duty to press upon you the relief of the citizens of this State in the regiment, from the wrongs under which they suffer.

A. G. CURTIN.



To the President, Washington.

On the 18th of July, 1864, I received a dispatch from the President, dated the day before, inviting me to come to Washington to confer with him on the subject, to which I at once replied, also by telegraph, that I could not leave Harrisburg at that time, and that as I had fully expressed my views in my letters of the 16th and 24th June last, I did not know of anything more that I could suggest in reference to the matter, and that I had directed the Military Agent of the State, Colonel Francis Jordan, to call upon him, and asked him to receive him.

In accordance with this arrangement, Colonel Jordan had an interview with the President, and reports to me that the President expressed a willingness to remove Colonel Gibson, and I presume that has been done; but as to the question of officering the regiment I am as yet unadvised, and indeed, from the lapse of time, am induced to infer that the assumption of power by the War Department, in the order of appointing officers has not been abandoned.

A. G. CURTIN.



To the Assembly Vetoing "An Act Authorizing the Payment by the State Treasurer, of Certain Warrants Issued by the Auditor General of the Commonwealth of Pennsylvania, for the Payment of Certain Military Claims and for Legalizing Claims Heretofore Settled by the Board of Military Claims."

Executive Chamber,  
Harrisburg, August 24, 1864.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 1329, entitled "An Act authorizing the payment, by the State Treasurer, of certain warrants issued by the Auditor General of the Commonwealth of Pennsylvania, for the payment of certain military claims, and for legalizing claims heretofore settled by the Board of Military Claims."

The act of 16th April, 1862, and its supplement, passed 22d April, 1863, provided for the adjustment and payment of certain military claims. With a view to such adjustments, these acts established a board composed of the Adjutant General, the Quartermaster General, and the Commissary General, any two of whom should form a quorum. To this board the claims were to be submitted, and on their report, if approved by the Auditor General, the claims were to be paid. It is well known that with us the machinery for carrying on the financial affairs of the State retains the simplicity of early times, when the principal payments from the Treasury were of the salaries of the Executive officers, and the judges, and the expenses of the Legislature. Now, that with a change of circumstances, these affairs have, however, vastly enlarged, and embrace subjects much more complicated, it has been found necessary, from time to time, to make



special provisions on particular subjects, to prevent the Treasury from being injured. In the present case the Legislature has established a board composed of three officers of high rank, to sit as a tribunal, and examine the military claims presented, with power to take testimony, and the favorable action of this board is an essential pre-requisite to the payment of any such claims. A reference to the acts in question will show that the powers intrusted to this board are such as require, for their due exercise, care, deliberation, and in fact, a judicial action. They are to report upon all claims contracted for the subsistence, clothes, transportation or organization of our volunteers, under orders of authorized officers of this State: Provided, That no higher price shall be allowed than has been paid for like articles procured under contract by the State, and so much as may in the judgment of the board be due upon any contract made prior to 15th May, 1861, by any military officers in this State, in good faith with citizens of this State, may in their discretion be paid on due proof of such contract, or so much as may in their judgment be the fair value of the goods or merchandize so purchased.

It is provided, that the settlement shall embrace the claims for pay of all Pennsylvania volunteers, of persons acting in the capacity of officers, from the time they commenced to recruit under the authority of the State, and, if privates, from the date of their enrolment: Provided, That in the settlement of such claims said board shall allow such claims, or so much of such claims as may be presented, as in their opinion may in justice and equity be due for the services rendered. Various other provisions could be cited, but indeed the whole body of these acts shows that judicial functions of more than usual delicacy were entrusted to this board by the Legislature.

The eighth section of the act of 16th April, 1862,



above mentioned, provided that where lands or tenements had been occupied by troops, the owners might apply by petition to the court of the proper county, which should appoint three disinterested appraisers, who being duly sworn or affirmed, should proceed to view the premises, hear testimony, and make a just and true valuation of the alleged damages, and report the same, with all the testimony, to the court, and if such report should be confirmed by the court, then the sum found due, with all the testimony, should be certified to the Military Board, to be examined and reported upon to the Legislature. By the act of 22d April, 1863, above mentioned, thirty days' notice was required to be given to the Military Board of the presentation of a petition on a claim for land damages, and on the reception of such notice, the board was empowered to employ counsel to represent the interests of the State. By another act of 22d April, 1863, the pay of each member of the board for services as such, was fixed at fifty dollars per month, to be computed from 24th April, 1862.

It thus appears, that not only was the board entrusted with a high original jurisdiction, but to it was also confided a supervisory function over the proceedings of appraisers and of the courts.

It cannot be supposed that more difficulty would attend the ascertainment of damages done to a farm by the occupation of our troops, than there would be in inquiring into the existence, terms and bona fides, of contracts made by any military officer with a citizen, before the 15th May, 1861, and in exercising judgment and discretion as to the true value of the goods purchased. Yet on claims for land damages, (as it would be inconvenient for the board to view the premises,) appraisers are required to be appointed by the court, their report (with all the testimony) is to be examined and approved by the court. The Military Board is empowered to employ counsel to protect the



State, and finally is to examine the report, after it has been confirmed by the court, and to report them to the Legislature.

Considering that the claims in question are of indefinite amount, and probably exceed one million of dollars, in the aggregate, I remember no example of greater confidence reposed by the Legislature, in three of their fellow citizens. There is exhibited in the powers conferred on this board, a confidence well deserved by the characters of the individual members of the board. Acting thus in a judicial capacity, it was the clear and undoubted duty of the board to meet from time to time, and hear and decide, as a board, the important questions submitted to them.

This duty is not a technical requirement of the law, known only to persons skilled in the law; it is familiar to probably every citizen. There can scarcely be an adult man in Pennsylvania who has not some experience or knowledge of some arbitration, or reference, or jury of partition, or road jury, or jury of appraisement, or grand or petit jury, civil or criminal, and who has not observed that all such bodies are required to meet, and together exercise their functions. The reason of this rule is obvious. Parties are entitled to the benefit of a joint deliberation and consideration of their case, by those who are appointed to decide upon it. The opinion of the most clear-sighted, or the most obstinate man, may be modified and corrected, by consultation with his fellows.

Unfortunately the Military Board violated the duty thus imposed upon them. Instead of meeting to examine and decide the claims submitted to them, the uniform course was that one member of the board, acting individually and separately, examined and certified them; afterwards another member, in the same way, examined and certified, and the third member was never consulted about them.



As soon as this mode of proceeding was known to be going on, I remonstrated earnestly with the members of the board on the subject, pointing out not only the illegality, but in my view, the entire impropriety of such a course, and I was under the impression that they would abandon it.

If the meanest man in the Commonwealth had consented to a reference to men of a claim for the smallest amount, and the referees were to act as this board has acted, the court would set aside their award for misconduct. Is it to be tolerated that these referees shall award perhaps a million of dollars against the State, in a like manner?

It afterwards appeared that, notwithstanding my remonstrance, the two members of the board persisted in their course. The consequence was that Mr. Moore, the State Treasurer, refused to pay warrants issued in pursuance of their action.

The matter was brought before the Supreme Court, at its last session in Harrisburg, and promptly decided of course in favor of the State Treasurer.

I submit, with this message, an exemplification of the record of that case.

The preamble to this bill recites, that doubts have arisen as to the legality of such warrants. There are no doubts on this matter. The Supreme Court has expressly decided them to be illegal, and have so decided in conformity with the uniform, well settled and just law of this State, and it is believed of all other States and countries.

Since that decision, which was made on the 26th May last, there has been abundant time for the board to have acted regularly on all the claims affected by it. But this has not been done.

For these reasons, I should return this bill, even if it proposed merely to render valid the past void action in the premises. But I perceive that the second



section of the bill actually proposes to render such action legal in the future. I cannot approve of such legislation. No man I think would submit to have his own private rights so decided, and I will never consent that the Commonwealth shall be put in a worse position in this respect than an individual. These gentlemen are special referees to decide between the Commonwealth and active classes of claimants. If the Legislature had appointed one of them to be referee, he might have acted as such; but as the trust has been confided to three, or a majority of them, I will not consent that the just and well known law of the land shall be set aside, merely because they choose to act in defiance of it.

I am only dealing with the bill before me as it proposes to change existing laws, which, if properly administered, would do speedy justice to the claimants, and at the same time protect the Treasury of the State. The several acts of Assembly afford the citizens of the Commonwealth, having claims under them for military services, ample means, and without unreasonable delay, of obtaining payment of them, and constitute one of the just and reasonable guards of the public treasury.

A. G. CURTIN.



Proclamation of the Cancellation of Two Hundred and Sixty-Eight Thousand Five Hundred and Sixty-Nine Dollars of the Principal Debt of the Commonwealth Through the Commissioners of the Sinking Fund.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Whereas by the Third Section of the Act of the General Assembly of this Commonwealth passed the twenty-second day of April, A. D. one thousand eight hundred and fifty eight entitled "An act to establish a Sinking Fund for the Payment of the Public Debt" it is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer Commissioners of the Sinking Fund created by said Act of the General Assembly on the First Monday of September A. D. one thousand eight hundred and fifty nine and on the same day annually thereafter to report and certify to the Governor the amount received under the said Act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the Certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the facts and the extinguishment and final discharge of so much of the principal of said debt.



And whereas Eli Slifer, Isaac Slenker and Henry D. Moore, ex officio Commissioners of the Sinking Fund in obedience to the requirements of Law report and certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the seventh day of September A. D. one thousand eight hundred and sixty three to the Fifth day of September A. D. one thousand eight hundred and sixty-four amounts to the sum of Two Hundred and Sixty Eight Thousand Five Hundred and Sixty Nine Dollars and Fifty Cents, made up as follows, viz:

Five per cent Loan of the	
Commonwealth, .....	\$268,308 03
Interest Certificates redeemed, .....	261 47

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Total, ..... \$268,569 50

Now therefore as required by the Third Section of the Act of Assembly first above mentioned I do hereby issue this my Proclamation declaring the payment cancellation extinguishment and final discharge of Two hundred and sixty eight thousand five hundred and sixty nine dollars and fifty cents of the principal debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-second day of September in the year of our Lord one thousand eight hundred and sixty-four and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving.—1864.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-  
wealth.

## A PROCLAMATION.

Whereas it is the honored custom  
Pennsylvania, to set apart on the  
commendation of the Executive, a  
day for returning thanks to the Giver  
all Good, the Shepherd and Bishop  
our Souls:

Now therefore I Andrew G. Curtin,  
Governor as aforesaid Do recommend that the People  
throughout the Commonwealth, observe Thursday the  
Twenty-fourth day of November Instant as a day of  
Thanksgiving to Almighty God,

For the gathered fruits of the Earth,

For the continuance of Health,

For the prosperity of Industry,

For the preservation of good order and tranquillity  
throughout our borders,

For the victories which he has vouchsafed to us  
over Armed Traitors,

And for the manifold blessings which he has heaped  
upon us, unworthy:

AND THAT they do moreover humbly beseech Him  
to renew and increase His merciful favor toward us  
during the year to come so that Rebellion being over-  
thrown, Peace may be restored to our distracted Coun-  
try and in every State with grateful and loving ac-  
cord, the Incense of Praise and Thanksgiving may be  
offered by all the People, unto His Holy Name.



Given under my Hand and the Great Seal of the State, at Harrisburg, this Second day of November in the year of our Lord one thousand eight hundred and sixty four, and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Proclamation of the Election of the Presidential Electors for the State of Pennsylvania for 1864.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the Authority of the Commonwealth of Pennsylvania, ANDREW G. CURTIN,  
Governor of the said Common-

A PROCLAMATION.

Whereas it is provided in and by an act of the General Assembly of this Commonwealth, entitled "An Act relating to the Electors of this Commonwealth," passed the second day of July A D. one thousand eight hundred and thirty-nine," that the Secretary of the Commonwealth having received the returns of the votes given for the Electors of President and Vice President of the United States, shall lay the same before the Governor who shall enumerate and ascertain the number of votes for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected:

And whereas it appears by the returns laid before me of the election for Electors, held on Tuesday the



eighth day of November,—that Morton McMichael, Thomas Cunningham, Robert P. King, G. Morrison Coates, Henry Bumm, William H. Kern, Barton H. Jenks, Charles M. Runk, Robert Parke, William Taylor, John A. Hiestand, Richard H. Coryell, Edward Haliday, Charles F. Read, Elias W. Hale, Charles H. Shriner, John Wister, David McConaughy, David W. Woods, Isaac Benson, John Patton, Samuel B. Dick, Everard Buier, John P. Penney, Ebenezer M'Junkin and John W. Blanchard are the persons duly elected Electors of a President and Vice President of the United States, to serve at the election in that behalf, to be held at the seat of Government of the State, being the city of Harrisburg in the county of Dauphin, on the first Wednesday of December, agreeably to the said Act of General Assembly of this Commonwealth, and the Constitution and Laws of the United States, in such cases made and provided.

Given under my Hand and the Great Seal of the State at Harrisburg, this Sixth day of December in the year of our Lord one thousand eight hundred and sixty four and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—1864.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia, ANDREW G. CURTIN,  
Governor of the said Common-



## A PROCLAMATION.

Whereas in and by An Act of the General Assembly of this Commonwealth passed the Second day of July A. D. one thousand eight hundred and thirty nine entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor on receipt of the returns of election of the members of the House of Representatives of the United States by the Secretary of the Commonwealth to declare by Proclamation the names of the persons returned as elected in their respective Districts.

And whereas the returns of the General Election held on Tuesday the eleventh day of October last in and for the several Districts for Members to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the Fourth day of March next have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act, whereby it appears that in the First District composed of the Second, Third, Fourth, Fifth, Sixth and Eleventh Wards in the City of Philadelphia Samuel J. Randall has been duly elected. In the Second District composed of the First, Seventh, Eighth, Ninth and Tenth Wards in the City of Philadelphia, Charles O'Neil has been duly elected. In the Third District, composed of the Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Wards in the City of Philadelphia, Leonard Myers has been duly elected. In the Fourth District composed of the Fourteenth, Fifteenth, Twentieth, Twenty-first and Twenty-fourth Wards in the City of Philadelphia, William D. Kelley has been duly elected. In the Fifth District composed of the Twenty-second, Twenty-third and Twenty-fifth Wards in the City of Philadelphia and



the County of Bucks, M. Russell Thayer has been duly elected. In the Sixth District composed of the Counties of Montgomery and Lehigh, B. Markley Boyer has been duly elected. In the Seventh District composed of the Counties of Chester and Delaware, John M. Broomall has been duly elected. In the Eighth District composed of the County of Berks, Sydenham E. Ancona has been duly elected. In the Ninth District composed of the County of Lancaster, Thaddeus Stevens has been duly elected. In the Tenth District composed of the Counties of Schuylkill and Lebanon, Myer Strouse has been duly elected. In the Eleventh District composed of the Counties of Northampton, Carbon, Monroe, Pike and Wayne, Philip Johnson has been duly elected. In the Twelfth District composed of the Counties of Luzerne and Susquehanna, Charles Denison has been duly elected. In the Thirteenth District composed of the Counties of Bradford, Wyoming, Sullivan, Columbia and Montour, Ulysses Mercur has been duly elected. In the Fourteenth District composed of the Counties of Northumberland, Union, Snyder, Juniata and Dauphin, George F. Miller has been duly elected. In the Fifteenth District composed of the Counties of Cumberland, York and Perry, Adam J. Glossbrenner has been duly elected. And I do further declare that no such returns of the election in the Sixteenth Congressional District have been sent to the Secretary of the Commonwealth as would under the Act of Assembly of Second July A. D. 1839 authorize me to proclaim the name of any person as having been returned as duly elected a member of the House of Representatives of the United States for that District. In the Seventeenth District composed of the Counties of Cambria, Blair, Huntingdon and Mifflin, Abraham A. Barker has been duly elected. In the Eighteenth District composed of the Counties of Centre, Clinton, Lycoming, Tioga and Potter, Stephen F. Wilson has



been duly elected. In the Nineteenth District composed of the Counties of Erie, Warren, McKean, Forest, Elk, Cameron, Jefferson and Clearfield, Glenni W. Scofield has been duly elected. In the Twentieth District composed of the Counties of Crawford, Venango, Mercer and Clarion, Charles V. Culver has been duly elected. In the Twenty-first District composed of the Counties of Indiana, Westmoreland and Fayette, John L. Dawson has been duly elected. In the Twenty-second District composed of that part of Allegheny County south of the Ohio and Allegheny Rivers and including Nevil Island, J. K. Morehead has been duly elected. In the Twenty-third District composed of that part of Allegheny County north of the Ohio and Allegheny Rivers and Butler and Armstrong Counties, Thomas Williams has been duly elected. In the Twenty-fourth District composed of the Counties of Lawrence, Beaver, Washington and Greene, George V. Lawrence has been duly elected.

Now therefore I Andrew G. Curtin, Governor as aforesaid have issued this my Proclamation hereby publishing and declaring that Samuel J. Randall, Charles O'Neil, Leonard Myers, William D. Kelley, M. Russell Thayer, B. Markley Boyer, John M. Broomall, Sydenham E. Ancona, Thaddeus Stevens, Myer Strouse, Philip Johnson, Charles Denison, Ulysses Mercur, George F. Miller, Adam J. Glossbrenner, Abraham A. Barker, Stephen F. Wilson, Glenni W. Scofield, Charles V. Culver, John L. Dawson, J. K. Morehead, Thomas Williams and George V. Lawrence have been returned as duly elected in their several districts before mentioned as Representatives in the Congress of the United States for the term of Two Years to commence from and after the Fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-sixth day of December in the year of our Lord one thousand eight



hundred and sixty four and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1865.

Executive Chamber,

Harrisburg, Pa., Jan. 4, 1865.

**D**URING THE PAST YEAR THE PEOPLE OF this Commonwealth have had reason to be grateful to Almighty God for many blessings. The earth has been fruitful, industry has thriven, and with the exception of the injury suffered by the citizens of some of our border counties, through the disgraceful barbarity of the rebel forces which ravaged parts of them, and burned the town of Chambersburg, we have no public misfortune to lament. The year closes with a train of brilliant successes obtained by the armies of the United States, inspiring hope in every loyal mind that the accursed rebellion will soon be crushed, and peace be restored to our country.

The balance in the Treasury, November

30, 1863, was, .....\$2,147,331 70

Receipts during the fiscal year ending No-

vember 30, 1864, ..... 4,733,313 02

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Total in Treasury for fiscal year ending

November 30, 1864, ..... 6,880,644 72

The payments for the same period have

been, ..... 4,938,441 09

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Balance in Treasury, November 30,

1864, ..... 1,942,203 63

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The operations of the sinking fund during the last year have been shown by my proclamation of the 27th day of September last, as follows:

Amount of debt of Commonwealth reduced, .....	\$268,569 50
As follows, viz:	
Five per cent. loan of the Commonwealth, .....	\$268,308 03
Interest certificates redeemed, .....	261 47
	<hr/> 268,569 50

The fiscal year accounted for in the statement of the Treasury Department, embraces the time from the 1st of December, 1863, to the 30th of November, 1864. The sinking fund year commenced the first Monday in September, 1863, and closed the first Tuesday in September, 1864. This will explain the discrepancy between the statement of the Treasury Department as to the reduction of the public debt of the State, and the statement embodied in the proclamation relative to the sinking fund.

Amount of public debt of Pennsylvania, as it stood on the first day of December, 1863, .....	\$39,496,596 78
Deduct amount redeemed at the State Treasury during the fiscal year ending with November 30, 1864, viz:	
Five per cent. stocks, ....	\$104,722 73
Four and a half per cent. stocks, .....	10,000 00
Interest certificates, ....	2,270 11
	<hr/> 116,992 84
Public debt, December 1, 1864, .....	<hr/> 39,379,603 94



**Funded debt, viz:**

Six per cent. loans, ordinary, .....	\$400,630 00	
Five per cent. loans, ordinary, .....	35,605,263 72	
Four and a half per cent. loans, ordinary, .....	258,200 00	
	<hr/>	\$36,264,093 72

**Unfunded debt, viz:**

Relief notes in circulation, .....	97,251 00	
Interest certificates outstanding, .....	13,086 52	
Interest certificates unclaimed, .....	4,448 38	
Domestic creditors' certificates, .....	724 32	
	<hr/>	115,510 22
		<hr/>
		36,379,603 94
Military loan, per act May 15, 1861, ...		3,000,000 00
		<hr/>

Total public debt, December 1,  
1864, ..... 39,379,603 94

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The Commonwealth holds bonds received from the sale of public works, amounting to ten millions three hundred thousand dollars. (\$10,300,000.) as follows, viz:

Pennsylvania railroad company bonds, .....	\$6,800,000 00
Philadelphia and Erie Railroad company bonds, .....	3,500,000 00
	<hr/>
	10,300,000 00
	<hr/>

These bonds are in the sinking fund, and reduce the public debt to \$29,079,603 94.



The tax on tonnage, imposed by the acts of 30th April and 25th August, 1864, has yielded something less than \$200,000—a much less sum than was anticipated. I recommend a revision of these acts, for the purpose of rendering this source of revenue more productive, and amending other defects in those bills.

The revenue derived from the tax on banks during the year amounts to \$539,606 67, but under the enabling act of the State, so many of our banks have become national banks under the act of Congress, that this source of revenue may be considered as substantially extinguished, and it will be necessary in some way to make up the deficiency from other sources.

The act of Congress authorizes the taxation by the State of the stock in the national banks in the hands of the holders, not exceeding the rate of taxation imposed on other similar property, and part of the deficiency may be thus provided for.

The amount of debt extinguished by the sinking fund during the year is unusually small, which is to be accounted for by the extraordinary expenses which have been incurred. Seven hundred and thirteen thousand dollars (\$713,000) have been paid to refund to the banks the money advanced by them to pay the volunteers in service during the invasion of the State in 1863. One hundred thousand dollars (\$100,000) have been distributed among the inhabitants of Chambersburg, suffering by the rebel destruction of their town. About two hundred thousand dollars (\$200,000) have been expended under the acts providing for the payment of extra military claims, and in addition to these extraordinary outlays, the amount appropriated to charities was last year larger than usual.

In my opinion this matter of donations to charities is fast running into a great abuse. Houses of refuge, and insane, blind and deaf and dumb asylums, appear to be proper subjects of State bounty, because their



objects are of public importance and to be useful, and well and economically managed, it seems to be necessary that they should be more extensive than would be required for the wants of a particular county. But in our system, ordinary local charities are left to the care of the respective localities, and to give the public money for their support is really to tax the inhabitants of all the counties for the benefit of one.

The national taxation is heavy and must probably be made heavier, and the local taxes authorized by unwise legislation and paid by our people are excessive. In view of these circumstances, we should endeavor to avoid increasing their burdens by making undue appropriations for any purpose.

It being alleged that the Atlantic and Great Western railroad company has not in various particulars obeyed the law by which it was incorporated, the Attorney General (on the suggestion of parties claiming to be thereby injured) has filed an information in equity against that company, seeking an injunction to prevent a continuance of its past, and the persistence in its intended illegal course.

Since my last annual message, on the report of John A. Wright, Esq., that the Sunbury and Erie railroad was finished, I ordered the bonds remaining in the Treasury to be delivered to the company.

It is a subject of just pride to the people of this Commonwealth, that this great work is completed, and whilst it opens a large and wealthy part of the State to the commerce of the seaboard, and unites capital and enterprise within our borders, it secures to the Commonwealth the payment of all the sums due her from the company.

In my special message of 30th April last, to which I refer, I communicated to the Legislature, in some detail, the circumstances connected with the advance by banks and other corporations of the funds to pay the volunteer militia of 1863.



It is not necessary here to recapitulate them at length. The case was peculiar, and it is believed none quite like it has occurred. The call for volunteers was made by the authorities of the United States, but it being found that men could not be got under that call, the form of a call by the State authorities for the defence of the State was, with the assent of the President, substituted. The United States agreed to furnish the arms, subsistence and supplies, but it was alleged that Congress had made no appropriation covering the pay. In this state of things, the emergency being great, the Secretary of War telegraphed me, thus:

Washington, July 22, 1863.

To His Excellency, Gov. A. G. Curtin:

Your telegrams respecting the pay of militia, called out under your proclamation of the 27th of June, have been referred to the President for instructions, and have been under his consideration. He directs me to say, that while no law or appropriation authorizes the payment, by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If, in the meantime, you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it. Measures have been taken for the payment of troops mustered into the United States service, as soon as the muster and pay rolls are made out. The answer of this Department, to you as Governor of the State, will be given directly to yourself, whenever the Department is prepared to make answer.

(Signed)

EDWIN M. STANTON,  
Secretary of War.

The banks and other corporations refused to advance the money unless I would pledge myself to ask an appropriation from the Legislature to refund it. It will be noticed that the pledge of the President is clear and



distinct, but, notwithstanding the money was paid and the accounts settled and placed in the hands of the President, before the meeting of Congress, no such recommendation as promised me was made, and for that reason the bill introduced for that purpose failed. The men were raised and placed under the command of Major General Couch and other United States officers in this Department. The troops were held in service longer than the emergency for which they were called out required. Several of the regiments were marched immediately into distant parts of the State, by order of the officers of the army stationed in Pennsylvania, against my repeated remonstrances. They were retained, as was alleged, to preserve the peace and enforce the draft. Nearly, if not quite, one-half the money was paid to troops thus held, and after the emergency had expired. Finding that the appropriation was likely to fail in Congress, I laid the matter before the Legislature, just prior to their adjournment, in May last, and an act of Assembly was immediately passed to refund the money out of the State Treasury, which, as above stated, has been done. I ought to say that the appropriation by Congress was vigorously supported by all the members from this State, in both branches. Having done everything in my power to procure the payment of this just claim of the State, I now recommend that the Legislature take the subject into consideration, with a view to induce proper action by the President and Congress.

By the act of August 22, 1864, I was authorized to cause an immediate enrolment of the militia to be made, unless that recently made by the United States should be found sufficient, and to raise by volunteering or draft a corps of fifteen thousand men for the defence of our Southern border. The United States enrolment being found very defective, I directed an enrolment to be made, which is now in progress under



the charge of Colonel Lemuel Todd, whom I appointed Inspector General. A draft by the United States was then in progress, and it was not thought advisable to harass our people by a contemporaneous State draft, even if a draft had been practicable under the present law. Volunteers could not be obtained, there being no bounties, and the men not being exempted by their enlistment in that corps from draft by the United States. Fortunately the United States placed an army, under General Sheridan, between us and the enemy, and thus provided effectually for our defence. With such adequate protection as proved by the brilliant campaign of that army, I did not think it right to incur the expense to the State of an independent army, and the withdrawal of so many of our people from their homes and pursuits. Meanwhile arrangements have been made with the authorities at Washington for arming, clothing, subsisting and supplying the corps at the expense of the United States. and an order has been given by the authorities of the United States to furlough such volunteers in the corps as may be drafted by the United States. The corps so privileged not to exceed 5,000 men. It is my intention to raise 5,000 men during the winter, and I have already adopted measures to that end. There may occur irruptions of irregular bodies of the rebels, and it is well to be provided against them. The number proposed to be so raised and put into actual service will, in my judgment be sufficient, and a regard to due economy requires that no more than are sufficient should be placed on pay. The remaining 10,000 will be organized and ready for service in case of necessity. I invite your immediate attention to the very able report of the Inspector General, which sets forth the defects in the law which he has discovered in his preparation for carrying it into practical effect.

The State agencies at Washington, and in the South-



west, are in active and successful operation. I communicate herewith the reports of Col. Jordan, at Washington, and Col. Chamberlain, agent for the Southwest. The provisions of the law requiring the agents to collect moneys due by the United States to soldiers, have been beneficial. A reference to their reports will show the magnitude and usefulness of this branch of their service. I desire to invite the attention of all our volunteers, officers, soldiers, and their families, to the fact that the State agents will collect all their claims on the Government gratuitously, as I have reason to believe that many are still ignorant of that fact, and are greatly imposed upon by the exorbitant commissions charged by private claim agents.

- Under the act of the 6th of May, 1864, I appointed Hon. Thomas H. Burrowes to take charge of the arrangements for the education of the orphans of soldiers. I communicate herewith a copy of his report on the subject. He has discharged his duties with commendable zeal, fidelity and efficiency. I earnestly recommend that a permanent and liberal appropriation be made to support this just and worthy scheme of beneficence.

I recommend that an appropriation be made for pensions to the volunteer militia men (or their families) who were killed or hurt in service in the years 1862 and 1863.

As soldiers sometimes arrive here who are insane, and who should be protected and cared for, I recommend that provision be made for their being placed in the State Asylum for the insane, at this place, and

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the charge of Colonel Lemuel Todd, whom I appointed Inspector General. A draft by the United States was then in progress, and it was not thought advisable to harass our people by a contemporaneous State draft, even if a draft had been practicable under the present law. Volunteers could not be obtained, there being no bounties, and the men not being exempted by their enlistment in that corps from draft by the United States. Fortunately the United States placed an army, under General Sheridan, between us and the enemy, and thus provided effectually for our defence. With such adequate protection as proved by the brilliant campaign of that army, I did not think it right to incur the expense to the State of an independent army, and the withdrawal of so many of our people from their homes and pursuits. Meanwhile arrangements have been made with the authorities at Washington for arming, clothing, subsisting and supplying the corps at the expense of the United States, and an order has been given by the authorities of the United States to furlough such volunteers in the corps as may be drafted by the United States. The corps so privileged not to exceed 5,000 men. It is my intention to raise 5,000 men during the winter, and I have already adopted measures to that end. There may occur irruptions of irregular bodies of the rebels, and it is



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provided for by general laws. We have passed acts authorizing charters to be obtained without special legislation. These acts have been generally prepared with some care, and contain the provisions which the Legislature thought necessary to protect the Commonwealth and her citizens. If these general laws are not found to answer such purposes, they should be amended and perfected. If any company desires to be incorporated with greater privileges than are conferred, or to be relieved from any of the conditions imposed by these acts, it appears to me that it should be required first to obtain a charter under the general laws, and then apply to the Legislature for an act making the changes which are desired. The attention of the Legislature will thus be drawn to the specific object, and a judgment can be formed of its propriety. I would also observe, that great evil results from the habit of granting privileges to a corporation by a mere reference to some former private act relating to other corporations, sometimes without even giving the date of these acts. All these practices are bad, and although they may sometimes be pursued by parties having no bad intention, yet they certainly originated in the design of surprising the Commonwealth into grants of privileges which it was known could not be obtained if their extent were understood, and they are often followed now for the same fraudulent purpose.

I strongly recommend the repeal of the act passed the 18th day of July, A. D. 1863, entitled "An Act relating to corporations for mechanical, manufacturing, mining and quarrying purposes."

Its provisions are found to be practically so inconsistent with the due protection of the citizens and with the just policy of the Commonwealth, that it ought not to be allowed to stand longer on our statute book. I approved the act in question with great reluctance,



and subsequent reflection and observation have satisfied me of its mischievous character.

I also recommend the repeal of an act passed the 22d day of July, A. D. 1863, entitled "A further supplement to an act to enable joint tenants, and tenants in common, and adjoining owners of mineral lands in this Commonwealth to manage and develop the same."

This act allows foreign corporations to hold three hundred acres of land in this State for mining purposes. It was passed, it is believed, for the purpose of enabling companies near our border, engaged in the manufacture of iron, to hold land as ore banks. But, under the idea that the sinking of an oil well is mining, it is believed that companies have already been organized under the laws of other States, and that more will be, for the purpose of holding lands and carrying on the oil business in this State. It would be better to remove all doubt on this question by repealing the act. These companies, being foreign corporations, are not within the control of our laws to the extent that they ought to be for the purposes of taxation and regulation.

The immense development of wealth in some of our western counties, by the discovery of oil, has added vastly to the resources of the Commonwealth.

I have made efforts to ascertain the value of this product during the last year, but have failed in procuring information sufficiently accurate to justify me in estimating its amounts. It is already vast, and is rapidly increasing.

The productions and manufactures of the State have become so diversified and abundant, that some measure should be taken for an accurate ascertainment of them, so that their extent may be generally known, and also that the necessary taxation may be intelligently imposed. I recommend for these purposes the



creation of a Bureau, of which the Auditor General and State Treasurer shall be members, and the head of which shall be a new officer, to be styled Commissioner of Statistics, or designated by any other appropriate title.

The act of 25th August, 1864, providing for the voting of soldiers, should be carefully examined, with a view to its amendment, and, indeed, a revision of our whole election laws would seem to be desirable, with a view to the two essential objects of, 1. The admission of legal and exclusion of illegal votes at the polls; and, 2. Faithful and correct returns of the votes actually polled. I communicate herewith the opinion of the Attorney General on the conflicting returns for the 16th Congressional district, which will show some of the practical difficulties which arise under the existing system. Without undertaking to recommend the adoption of any particular plan, I submit the whole subject to your careful and earnest consideration, in the hope that in your wisdom you will be able to devise some measure which will produce the result so essential to the existence of a free government: that votes shall be fairly taken in the first instance, and fairly counted and returned afterwards.

I have endeavored since I came into office to exercise as cautiously as possible, the powers confided to the Executive, and avoid usurping any. I shall endeavor to persist in this course to the end.

A new call has been made by the President for 300,000 men. This renders it proper that I should invite your attention to the evils which have resulted from abuses of the system of local bounties which was begun, in an emergency, by the voluntary and generous loyalty of our citizens, before the passage by Congress of the enrolment act, and has since been continued by sundry acts of Assembly. The result has been to the last degree oppressive to our citizens, and unpro-



ductive of corresponding benefit to the Government. In some counties and townships, it is believed that the bounty tax during the last year exceeded the average income derived from the land. The large sums offered in some places in the competition for men, have demoralized many of our people, and the most atrocious frauds connected with the system have become common. The men of some of the poorer counties have been nearly exhausted by their volunteers being credited to richer localities paying heavier bounties. The system as practiced lowers the morale of the army itself, by putting into the ranks men actuated by merely mercenary motives, and who are tempted to desert by the facility of escaping detection, and the prospect of new gains by re-enlistment, a process which they expect to be able to repeat an indefinite number of times. Of the number of men for whom bounties have been paid, it is believed that not one-fourth have been actually placed in the ranks of the army, and even those who have joined it, have probably not on an average received for their own use one-half of the bounty paid for them. Immense sums have thus been appropriated by cheats and swindlers, in many cases believed to be acting in complicity with agencies of the Government.

An effort was made to prosecute some of the parties concerned in such frauds, under the act of Assembly of 14th August last, and they were bound over by the mayor of this city, but after the witnesses had come here on the meeting of the court, they disappeared from the public eye. I recommend the whole subject to your careful consideration, that the system may be purged of these evils.

I am officially informed, that the quota of this State, under the recent call, is 66,999, but I am not informed of the principle on which the draft is to be made.

It appears from the President's proclamation, that



it is made chiefly to supply an alleged deficiency in former calls. I am surprised at the amount of this large deficiency, and can only account for the difference between the number of men furnished by the State and the deficiency alleged to exist in the assignment of the present quota, by the assumption that the men never reached the army, although enlisted and mustered after the payment of bounties, by the localities to which they were supposed to be credited. It is probable that there are very few counties in the State which have not paid large bounties for a number of men sufficient to fill their former quotas.

Taking the local bounties at the low average of four hundred dollars, it is believed that it can be demonstrated, that the people of Pennsylvania have thus been robbed of more than twelve millions of dollars during the past year. This estimate does not include the money fraudulently taken from men who have actually gone into the service. The continuance of these monstrous and unparalleled abuses cannot be tolerated.

Certainly more men are required to aid our gallant soldiers in the field in crushing this rebellion, and every consideration of patriotism and of regard for our brothers who are now in the face of the enemy, obliges us to spare no effort to raise the necessary force.

In June last, I gave letters to a committee of the Prison Society of Philadelphia, requesting that the members of the committee might be allowed to visit and examine the prisons and poor houses throughout the Commonwealth. I transmit with this communication a copy of the report made to me by the society of the results of their labors, and commend the same to your attention, with a view to the adoption of proper measures to reform the abuses which have been found to exist.

In connection with this subject, I again call your at-



tention to the expediency of providing for the reception in the penitentiaries, of persons convicted of murder in the first degree, and who may be pardoned on condition of serving a limited term therein. It has become a custom that an incoming Governor should not issue a warrant of execution in cases left unacted on by his predecessor, and it not unfrequently happens that even in cases which are recent, while some punishment should be inflicted, that of death may appear to the Executive to be too severe. The result is that there are at this time, in the various prisons, some eighteen or twenty persons under sentence of death, and who may lie there for an indefinite period of time.

The vast amount of additional labor which has been imposed upon the Secretary of the Commonwealth by the existing state of affairs renders it absolutely necessary that the clerical force of his Department should be increased. The making out of commissions for our large army of volunteers in the field, and the preparation of election blanks required by law to be sent to the army—the receipt, filing and recording the returns of the soldiers' votes—the enrolment of the yearly increasing number of acts of Assembly, and of charters obtained under general laws and the making out of letters patent for them—all these, together with the previous heavy duties of the office—form an aggregate, the weight of which must ultimately break down his few subordinates, diligent, faithful and enduring as they are. I recommend, therefore, that provisions be promptly made to meet the necessities of this case.

It is a subject of just congratulation, that notwithstanding the distracted condition of the country, our system of common schools continues to flourish. The report of the Superintendent, which I herewith transmit, shows that there has been an increase of scholars during the past year. It is important to secure as teachers a sufficient number of men of suitable educa-



tion and ability, and with a view to this object, I suggest for your consideration the expediency of making out of the school fund itself some provision for the support of such teachers as shall, after a given term of service, become superannuated or disabled while in the performance of their duties.

Of the fund placed in my hands by the acts of the 13th of May, 1861, and of the 4th of May, 1864, and to be appropriated in my judgment in military service, I have expended in the last year \$6,124 68 in support of the agency at Washington, up until the 30th of May last, for my personal staff and other military service, an account of which is settled in the office of the Auditor General. No similar appropriation will be required at this session.

A bill was introduced and passed the House at the last session of the Legislature, providing for the appointment of a commission to ascertain the damages done in the counties of Bedford, Fulton, Franklin, Cumberland, York and Adams, by the rebel army in 1863, which failed in the Senate for want of time.

I commend to your consideration the propriety of the passage of such a bill during the present session. It is just to the people of these counties who have suffered, as well as to the Government, that these damages should be fairly ascertained, and the evidence perpetuated, whatever may be the view to be taken on future consideration by the United States or State Government as to the propriety of paying such claims.

Major General Hancock has been authorized by the War Department to raise a corps of veterans, to be called the First Corps. One of the regulations is that on application by the Governor of any State, recruiting officers will be designated for such State. I have been requested by Gen. Hancock to make such application, but have hitherto declined to comply with the request. It appears to me that the families of men raised on



the plan adopted by the War Department, would probably not be entitled to the relief provided by our own laws for the families of volunteers. I have inquired of Gen. Hancock whether the proposed corps is to form part of the regular army or of the volunteer force, and if the latter, under what act of Congress it is to be raised. He has referred that communication to the War Department, from which I have as yet received no answer to it.

The following letters have passed between Gen. Hancock and myself on this subject:

Executive Chamber,  
Harrisburg, Pa., Dec. 29, 1864.

General:—I received your letter at the moment of my departure for Philadelphia on Monday last. I returned this morning and hasten to reply.

Having no knowledge of the organization of the corps you are to command than what appears in the newspapers and orders, I will be obliged if you will inform me if it is to be regarded as a part of the regular army of the United States, or as part of the volunteer service.

If it is part of the army of the United States, I certainly have no connection with it, as Governor of the State. If it is organized as volunteers, be pleased to inform me under what act of Congress?

I need not say, General, that I would be most happy to do all in my power personally and officially to raise a force to be commanded by you. Can we not raise you two or three regiments in Pennsylvania, in the usual manner, and according to the act of Congress, for your corps? Of course, I would consult you in the selection of officers, and only commission where you approved.

I cannot understand the importance of my asking that persons be sent to Pennsylvania to induce veterans to go to the District of Columbia to enlist. I



certainly will do nothing to embarrass the plan proposed.

We have benefits, by general and special legislation in Pennsylvania, which attach to the volunteer and his family. While I will do nothing to deter the veterans of the State from entering your corps, I hesitate to connect myself with a mode of enlistment which may deprive them of such benefits, unless it is my duty under the law.

I am, General, very respectfully,

Your obedient servant,

A. G. CURTIN.

Major General Winfield S. Hancock.

Headquarters, First Corps,

Washington, D. C., December 31, 1864.

To His Excellency, Hon. Andrew G. Curtin, Governor of Pennsylvania:

Sir—I have the honor to acknowledge the receipt of your communication of the 29th inst., and have referred the same to the War Department. I thank you for your kind expression of personal good will, and regret that there should be any occasion for hesitation on your part to lend your official influence, as Governor, to the raising of the corps as proposed by the War Department.

It is not within my province, perhaps, to discuss the plan of organization, as I am acting under the direct orders of the War Department, and my own views, therefore, are of no practical moment. I may say, however, that I have no knowledge of the organization other than what I have derived from the orders and circulars of which I mailed you official copies December 5th.

I cannot see how volunteers for this corps from your State lose any of the advantages attaching to those for other organizations.

They are credited to the localities where they or their families are domiciled, and count on the quota of your State.

It should be borne in mind that this is an effort to get men into service who are not subject to a draft.

I have the honor to remain, very respectfully, your obedient servant,

WINFIELD S. HANCOCK,

Major General U. S. Volunteers, commanding First Corps.



**WINFIELD SCOTT HANCOCK**  
of Pennsylvania.

**Major General in the United States Army.**







The only act of Congress for raising volunteers that I am aware of requires that the field and line officers shall be commissioned by the Governors of the several State. The men in this corps are not to be formed into organizations of the respective States, and it is proposed that its officers shall be appointed by the General Government. I know of no act of Congress or of Assembly under which men so raised will be entitled to pensions or their families to benefits from the United States or State Government. In addition, I will observe that without any feeling of jealousy, I am still not ready to participate actively in transferring to the United States illegally the right of appointment vested in the State, and which the State authorities can exercise with more discrimination by reason of having a greater familiarity with the merits of the citizens of their own State, than the United States authorities can possibly have. I will transmit any further communication that I may receive on this subject. It will be perceived by reference to correspondence, that I have offered to raise, in the manner provided by law, two or three regiments of veterans for Hancock's Corps. My desire is to assist the Government in every legal mode in raising men, and especially to facilitate an officer—a native Pennsylvanian—so distinguished as General Hancock, in his efforts to organize a new corps.

I shall throw no obstacles in his way on the present occasion, but I cannot, certainly, be expected to invite a violation of law in carrying out a plan which sacrifices the rights of the State under existing laws, and would leave the men unprotected by them, so far as concerns future provision for their comfort and that of their families.

I will further observe, that it appears by the report of the Adjutant General, herewith transmitted, that the State, under the system established by law, has



put into the military service of the United States, since the commencement of the war, the following number of men, viz:

Troops sent into service during 1864.

Organizations for three years' term, . . . . .	9,867
Organizations for one hundred days' term, . . . . .	7,675
Organizations for one year term, . . . . .	16,094
Volunteer recruits, . . . . .	26,567
Drafted men and substitutes, . . . . .	10,651
Recruits for regular army, . . . . .	2,974

Re-enlistments of Pennsylvania volunteers.

Infantry, . . . . .	13,862	
Cavalry, . . . . .	2,834	
Artillery, . . . . .	799	
Accredited to other States, . . . .	389	
	<hr/>	17,876
		<hr/>
		91,704
		<hr/> <hr/>

Troops sent into the service of the United States since the commencement of the Rebellion, including the ninety days' militia, in the departments of the Monongahela and Susquehanna, in 1863:

During the year 1861, . . . . .	130,594
During the year 1862, . . . . .	71,100
During the year 1863, . . . . .	43,046
During the year 1864, . . . . .	73,828
Re-enlistment of Pennsylvania volunteers, . . . . .	17,876
	<hr/>
	336,444
	<hr/> <hr/>

The twenty-five thousand militia, of 1862, are not included in this statement.



I call the attention of the Legislature to the report of the Surveyor General, herewith presented, and commend the suggestions made by that officer to your consideration.

This message is accompanied by full reports of all the military departments. They exhibit the large amount of service performed during the past year, and contain a full history of all the military operations of the State. Many valuable recommendations are made in them to promote the efficiency of our volunteers, and the comfort of the sick and wounded, which I commend to your earnest and immediate attention. It affords me great satisfaction to bear my testimony to the ability, diligence and fidelity of all the officers in these several departments.

Before closing this message I desire to advert to the delay which has sometimes occurred in the passage of the general appropriation bill. It is necessary that this bill should become a law, as otherwise the action of Government would be stopped. To delay its presentation to the Executive, as was done at the last regular session, till a late hour of the night before the morning fixed for the final adjournment, is to deprive the people of their right to have all bills submitted to the revision of the Legislature, before becoming laws, in case the Executive should not approve them. If there had been time, I should probably have returned the appropriation bill of last year for such revision, as when I had the opportunity of deliberately examining it, I found provisions which I could not have approved; but that opportunity was denied me before the bill had become a law, and in fact, as the Legislature was on the point of adjournment, the only question presented to me was whether that bill should become a law without amendment, or the necessities of the Government remain unprovided for.



The gallantry of our soldiers in the field still sheds lustre on the Commonwealth, and that their merit is appreciated by a generous people, is shown by the continued and cheerful liberality with which the men and women of the State contribute of their means for their comfort and welfare. May the blessing of God be on those brave men who have stood by the country through the dark hours of her trial.

A. G. CURTIN.

Executive Chamber,  
Harrisburg, January 4, 1865.

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To the Assembly Vetoing "A Further Supplement to  
an Act Relating to Roads, Highways and Bridges."

Executive Chamber,  
Harrisburg, January 10, 1865.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT originated, bill, No. 1331, entitled "A further supplement to an act relating to roads, highways and bridges, approved the 13th day of June, 1836," with my objections to the same.

The general law, which it is proposed to change, has been found to be highly satisfactory to the people, and is well understood.

This bill proposes a most material change in the law, by breaking down the restrictions thrown around public officers who are charged with the expenditure of the money of counties.

The bill would authorize the county commissioners



to re-build a bridge, without application to the court, the benefit of an impartial report of viewers, or the action of the grand jury, as now provided by the general laws.

Under the first section of the act of April 13, 1843, the county commissioners are authorized to repair bridges within certain counties, without the formalities or restrictions referred to, which seems to be quite as great a departure from the provisions of the general law as could be required; and I call the attention of the Legislature to the fact, that the act of April 13, 1843, was repealed as to several counties originally included in it, at the next session of this Legislature after its passage.

For these reasons I cannot approve the bill. .

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate  
the Sled Fork Oil Company."

Executive Chamber,  
Harrisburg, January 10, 1865.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 1007, of the session of 1864, entitled "An Act to incorporate the Sled Fork oil company," with my objections to the same.

This bill proposes to incorporate a company with an unlimited privilege of holding lands in the State of West Virginia and elsewhere. Under its provisions, the company may purchase and hold and convey any number of acres without restriction, in or out of Pennsylvania. The bill is, in my judgment, defective in other particulars, and is further objectiona-



ble, because it refers for the mode of suing for and collecting certain debts, to another private act incorporating another company.

For these reasons I cannot approve this bill.

A. G. CURTIN.

To the Assembly Transmitting a Proposed Thirteenth Amendment to the Constitution of the United States.

Executive Chamber,  
Harrisburg, February 3, 1865.

Gentlemen:—

**I** HAVE THE HONOR TO TRANSMIT HEREWITH copy of resolutions of Congress, proposing amendments to the Constitution, which I received this morning from the Secretary of State of the United States, duly attested.

A. G. CURTIN.

#### A RESOLUTION

Submitting to the Legislatures of the Several States a Proposition to Amend the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes as a part of the said Constitution, namely:

#### ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Approved—February 1, 1865.



To the President of the United States Concerning  
the Quota of Pennsylvania Under the Recent Call  
of the President for Three Hundred Thousand  
Men.

Executive Chamber,  
Harrisburg, January 26, 1865.

To the President:

Sir:—

**T**HE ACT OF THE 3D MARCH, 1863, COMMONLY  
called the Enrolment Act, provided (section 4)  
that for the purposes of the act, each Congressional district of the respective States should form a district, and (section 11) that all persons enrolled should be subject to be called into the military service of the United States, and to continue in service during the present rebellion, not however exceeding the term of three years, and further (section 12) that in assigning to the districts the number of men to be furnished therefrom, the President should take into consideration the number of volunteers and militia by and from the several States in which said districts were situated, and the period of their service since the commencement of the rebellion, and should so make said assignments as to equalize the numbers among the districts of the several States, considering and allowing for the numbers already furnished as aforesaid and the time of their service.

The time of actual service which by this act you were directed to consider and allow for, could not, without impracticable labor, (or indeed at all,) be fixed with exactitude for each district, but it could easily have been so approximated by averages that little if any practical injustice would have been done. The commencement of the third year of the war was close at hand at the time of the passage of the act. It would not have been difficult to ascertain, of one thousand men enlisted for three years, what was the average number that remained actually in the service at



the end of the first and second years respectively, and thus the act could have been substantially complied with. For instance, suppose it to have been found that one thousand men enlisted for three years, there remained in the service an average of forty per cent. at the close of the first year, and twenty per cent. at the close of the second year. The result would have been, under the provisions of the act, that sixteen hundred one year's men would have been taken as an equivalent of one thousand three years' men.

Unfortunately the Heads of Bureaus, to whom the matter seems to have been entrusted, began by falling into a strange misconstruction of the act. They did in effect strike from the twelfth section the phrases "period of their service" and "time of their service," and insert in lieu thereof the phrase "term of their enlistment," and then proceeded to apportion credits by multiplying the number of men furnished from a district by the number of years for which they were enlisted. Calculations made on this basis were of course most extravagant, and the people everywhere felt that somehow injustice was being done. In the attempt to soften this numerous and contradictory orders have been issued from the Provost Marshal General's office, and long essays by himself and others have been in vain published to explain and justify their action.

In fact as soon as they got beyond the morally certain limit of the actual service of the man, their calculation has no longer a practicable basis. Its principle, carried to a legitimate extreme, would justify the enlistment of one man for 50,000 years, and crediting him as the whole quota of the State, with a small excess.

Surely every reasonable man can say for himself whether he has found that getting one pair of boots



for three years is practically equivalent to getting three pairs of boots for one year.

The visionary character of the system on which they have proceeded cannot be better illustrated than by the result at which they have arrived on the present occasion. The quota of Pennsylvania on the last call was announced to be 61,700; her quota to make up deficiencies under that call was announced to be 66,999 men. On the 24th inst., it was announced that the quota of the Western district had, on revision, been fixed at 22,543, which would make that of the whole State about 44,000; and late on the same day it was further announced that the quota of the Western district was 25,512, and that of the whole State 49,583; all these changes being caused by no intervening circumstances that I am aware of. In fact our quota on the last call was filled and there can be no deficiency to be now supplied.

Their plan is unjust to the districts and to the Government. It wholly ignores the losses of men by desertion, sickness, death and casualties. The losses from most of these causes are greater during the first year of service than afterwards. A town which has furnished three thousand men for one year, has probably lost three-fifths of them from these causes before the expiration of the term. Another equal town which has furnished one thousand men for three years may, before the expiration of that term, have lost seventeen-twentieths of them. The first town will have thus given sixteen hundred men to the country—the second but eight hundred and fifty. There is no equality in this. The exhaustion of the industrial population of the two towns is in very unequal proportions. As to the Government—the Government has in the first case the actual service, during the whole year, of fourteen hundred men:—in the second case the actual service of say four hundred men, during the whole first



year, of probably not more than two hundred men during the whole second year, and say one hundred and fifty men at most during the whole third year. Besides, the amount of service that may be required promptly is to be considered, and not merely the agreed term of service. At the late storm of Fort Fisher, one at least of the Pennsylvania one year regiments were engaged, and behaved most gallantly. Who will say that if one-third of their number had been enlisted for three years, it would on that account have been able to perform as much service as the whole number did in that unsurpassed exploit?

But there is even more serious error than has been above exposed. The clause of the act of 3d March, 1863, under which your officers profess to be acting, has not been in force since the 24th of February, 1864.

Whether induced thereto by the strangeness of the system which had been adopted under it, or for whatever reasons, Congress thought fit to pass the act of 24th February, 1864, (entitled "An Act to amend the act of March 3, 1863,") which provides (section 2) that the quota of each ward of a city, town, &c., shall be as nearly as possible in proportion to the number of men resident herein liable to render military service, taking into account as far as practicable the number which had been previously furnished therefrom.

Thus the former act was amended by giving credits, not to districts but to smaller localities, and by omitting the provision for considering and allowing for the time of service in estimating credits; they were directed in future to be given as far as practicable on the basis of the number of men previously furnished, without reference to the time of service.

And this was followed up by the act of 4th July, 1864, (passed at the same session,) which provides (section 1) that the President may, at his discretion, call for any number of volunteers for the respective terms



of one, two and three years, with bounties regulated according to their term of enlistment, and (section 2) that in case the quota of any town, &c., shall not be filled within the space of sixty days after such call, then the President shall immediately order a draft for one year to fill such quota.

These are the clauses which now regulate the subject. It is not for me or you, Sir, to discuss the question of their propriety. They are to be obeyed.

It would be easy to show that they form a reasonable and intelligible system. Formerly, when calls were made of men for military service, they were made by requisitions on the Governors of the respective States, who then proceeded to draft the required number to fill the quota of the State. In this draft, men from any State or locality, who had voluntarily entered the service of the United States, by enlisting in the army or otherwise, were not taken into account. No credits were given for them on the quota, any more than for men who had of their own accord engaged themselves in any other lawful employment. The system, however, of raising very large bodies of men as volunteers, under the act of Congress of 1861, had drawn upon the military population of the respective States and localities very heavily, and not quite equally, and therefore, when the enrolment act of 1863 was passed, it was thought best to provide for equalizing the exhaustion, by allowing credits to localities for the volunteers furnished by them. But the Government had accepted volunteers for various terms of service, and hence the effort to render the equalization more perfect by considering and allowing for the time of their service as well as the number of men. The acts of 1864, above recited, have modified this system, by fixing a definite term of service (one year) for which men are to be drafted. Volunteers for not less than that term are to be credited to their localities on the



quota, and receive a certain bounty from the Government. Such of them as choose to enlist for longer terms receive further bounties from the Government, but, so far as regards the increased term beyond one year, are not to be credited on the quota, but are to be left on the same footing that all volunteers were on before the act of 1863. That is to say, the Government announces that it will take by its authority a certain number of men from a locality for military service for one year. That is the lawful demand which it will enforce. It pays bounties in case of localities to facilitate them in complying with this demand without a compulsory draft. But it has made no demand for men to serve for two or for three years. The Government receives and pays additional bounties to volunteers for these terms, but, in that, deals with the men only, and as the increased term of service beyond one year is not agreed to be rendered in compliance with any demand of the Government, it gives the locality no credit on the quota for it. The Government requires 100,000 men for one year; not a less number of men for a longer term. For a deficiency in the number of volunteers for that term, it makes a draft for one year. This is to fill the quota—not more nor less—when the draft has been effected the quota is full—there is neither excess or deficiency.

You see that the system thus established by law is not without foundation in reason, and can be readily understood.

Sir, you may not have been heretofore apprised of the fact that your subordinates are wholly disregarding the act of 24th February, 1864. They are proceeding in open and direct violation of it, and are thus creating naturally great confusion and uncertainty among the people. They announce on the one hand that although a three-years' man counts only as a one-year man towards the quota on which he volunteers.



yet that he shall be counted as three one-year's men towards the quota on a future call. This is directly in the teeth of the law. On the other hand, they are cyphering out a deficiency on the last call, by counting three one-year's men as only equivalent to one three-years' man, which is equally against law.

Thus the quota of Pennsylvania under the call of 18th July last was filled in accordance with the law, by men to serve for not less than one year. The term of service of these men is not yet half expired, and yet your subordinates are threatening a draft to fill an alleged deficiency on that very call, the existence of which they attempt to make out by persisting in their unlawful and unsubstantial theories and calculations.

Our people know that the Government requires more men. They are willing to furnish them—heavy as the burden has become on the industrial population. Let the requirement be made in the clear and definite shape which the law provides for, and it will be cheerfully complied with. But it is hardly to be tolerated that your subordinates should be permitted longer to pursue the system of substituting, for the law, an eccentric plan of their own.

Sir, on behalf of the freemen of this Commonwealth, who have always given a cheerful and hearty support to your Government in the prosecution of this war, it is my duty to insist—and I do insist—that you enforce upon your subordinates that obedience to the law, which you owe, as well as they and all of us. It is of evil example—it tends to enfeeble, nay, to destroy—the just power of Government, that you should suffer your officers to treat with open contempt any acts of Congress, and especially those which you have yourself approved, and which regulate a matter of such deep and delicate moment as the enforcing a draft for the military service.



Relying heartily on your wisdom and justice to set right what has thus been going wrong, and to compel henceforth, on the part of all, a proper respect for and obedience to the laws of the land,

I am, sir,

Very respectfully,

A. G. CURTIN.

To the Secretary of War Concerning the Recruiting of Companies in Lieu of a Draft, and Provisions for the Shelter of Troops.

Executive Chamber,

Harrisburg, February 8, 1865.

To Hon. E. M. Stanton, Secretary of War,

Washington, D. C.:

**T**HE INDICATIONS OF SUCCESS IN RECRUIT-  
ing the companies in lieu of draft, are very encouraging in this State. I think we will succeed to the extent of the authority granted.

Several companies arrived here yesterday, and I regret to again insist that there are not sufficient accommodations provided for the recruits that rendezvous here. Last night many were without shelter or blankets, and exposed to most inclement weather.

I very earnestly entreat you to peremptorily order that provision be made at once for the citizens of the State who volunteer for military service. The night coming on promises to be very cold and wind high. Provision I hope will be made before dark.

The United States authorities here knew men were coming, and could have been prepared. I will, if the men are permitted to leave the camp, give them places for shelter to-night, in any of the public buildings where room can be had.

A. G. CURTIN.



To the Assembly Transmitting Resolutions of  
Thanks from the Legislature of Vermont to the  
People of Philadelphia for Their Kindness to Ver-  
mont Soldiers.

Executive Chamber,  
Harrisburg, February 9, 1865.

Gentlemen:—

**I**T GIVES ME GREAT PLEASURE TO TRANSMIT  
to you copies of a communication which I have  
received from the Governor of Vermont, accom-  
panied by resolutions passed by the Legislature of that  
State, returning thanks to the people of Philadelphia,  
for their generous kindness and hospitality to volun-  
teers passing through that city. The plan of providing  
shelter, refreshments and comforts beyond those sup-  
plied by the Government, for soldiers passing to or  
from the front, originated in Philadelphia, contempo-  
raneously with the commencement of hostilities, and  
has been pursued quietly, steadily and effectually to  
the present day. The persons who have charged them-  
selves with these works of patriotic love, have de-  
served the gratitude of the people of the whole coun-  
try, and their services—fruits of their benevolent im-  
pulses—have reflected honor on their city and State.  
I have no hesitation in recommending a suitable ex-  
pression by your honorable bodies, on behalf of the  
people of this Commonwealth, of their sense of their  
services.

A. G. CURTIN.

JOINT RESOLUTIONS,

Tendering Thanks to the People of Philadelphia.

Whereas, Since the commencement of the war for the  
preservation of the Union, the people of Philadelphia have  
shown distinguished kindness and hospitality towards the Na-  
tion's brave defenders, on their passage through the city,  
and to such as have been from time to time in its hospitals,  
and that not as the expression of a temporary and a transient  
enthusiasm and sympathy, but with continuous and unfailing  
beneficence:



And whereas, Our Vermont soldiers have shared liberally in this bountiful goodness; therefore,

Resolved by the Senate and House of Representatives, That in the name of the people of Vermont, we tender our sincere and hearty thanks to the good people of Philadelphia, for their generous hospitality, and hope Heaven may abundantly reward their noble city for what she has done for our gallant braves, for the salvation of the public, and the speedy and successful termination of our sanguinary struggle for the preservation of the Union.

Resolved, That the Governor is hereby requested to send a copy of these resolutions to the Governor of Pennsylvania and the mayor of the city of Philadelphia.

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To the Assembly Vetoing "An Act Relative to the Sureties of William Bickel, Late Treasurer of Schuylkill County."

Executive Chamber,  
Harrisburg, February 9, 1865.

Gentlemen:—

I RETURN TO THE SENATE, IN WHICH IT originated, bill, No. 101, entitled "An Act relative to the sureties of William Bickel, late treasurer of Schuylkill county."

Judgments have been obtained against William Bickel and his sureties, and executions have been issued. The county of Schuylkill is liable for part of the debt, amounting with interest, to about \$6,400. The remainder of the debt amounts, with interest, to about \$3,860, and it is believed that payment can be easily obtained if there should be no interference by the Legislature. The frequent passage of bills, like the present, is rendering futile the efforts of the officers of the Commonwealth to enforce the payment of moneys of which she has been defrauded. After par-



ties, and as in this very case, have protracted a vexatious litigation to the last point, they come to the Legislature, and on loose and unreliable statements, by themselves or their friends, obtain acts which throw the whole matter into confusion, and in effect prevent the Commonwealth from obtaining payment. A general act providing that, in all cases in which a county treasurer should have been guilty of felony by embezzling the moneys of the Commonwealth, no proceedings to recover the money should be taken against him or his sureties, or the county, would be more simple, and about as effectual, with this advantage, that much trouble would be saved to all parties. As I should not approve such an act, so I cannot approve this for the reasons above given.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the Mineral Railroad and Mining Company."

Executive Chamber,  
Harrisburg, February 7, 1865.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 47, entitled "Supplement to an act, entitled 'An Act to incorporate the Mineral railroad and mining company,' authorizing said company to hold mineral lands by lease as well as purchase."

The company has already by law the privilege proposed to be conferred on it by this bill. and the bill being therefore quite unnecessary, I cannot approve it.

A. G. CURTIN.



To the Assembly Transmitting Correspondence Concerning Statues for the National Statuary Hall in the Capitol at Washington.

Executive Chamber,  
Harrisburg, February 20, 1865.

Gentlemen:—

I HAVE THE HONOR TO COMMUNICATE copies of letters transmitted to me by the Secretary of State of the United States, in reference to the subject of statutes for the old Hall of the House of Representatives, at Washington.

Department of State,  
Washington, 3d February, 1865.

To His Excellency, the Governor of the State of Pennsylvania,  
Harrisburg, Pennsylvania:

Sir—I have the honor to transmit to your Excellency a copy of a letter of the 25th ultimo, addressed to the President by the Hon. Justin S. Morrill, of the House of Representatives, inviting his attention to the second section of the act of Congress, of the 2d of July, 1864, on the subject of statues for the old Hall of the House of Representatives. The President has directed this Department to request, through your Excellency, that the State of Pennsylvania may take the matter into consideration.

I have the honor to be,  
Your Excellency's most obedient servant,  
(Signed) F. W. SEWARD,  
Acting Secretary.

House of Representatives,  
Committee of Ways and Means,  
Washington, January 25, 1865.

Dear Sir—Permit me, respectfully, to call your attention to section 2, of the act of Congress of July 2d, 1864, (page 347, pamphlet edition), which set apart the old Hall of the House of Representatives for a hall of statuary by which you were "authorized to invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or



from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall in the House of Representatives' in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a National Statuary Hall, for the purposes herein indicated."

That you approve of the high purposes of this law, I have no doubt, and in view of the fact that several of the State Legislatures are now in session, but soon may adjourn, may I ask you to take such action at once as you shall deem appropriate, in order to notify and give the invitation provided for to the Governors of the several States, so that they can take early steps to carry the purpose of Congress into full effect?

With high respect,

our most obedient servant,

(Signed)

JUSTIN S. MORRILL.

The President.

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To the Senate Concerning a Resolution of that Body with regard to a Certain Acting Assistant Provost Marshal General in the State.

Executive Chamber,  
Harrisburg, Pa., March 1, 1865.

Gentlemen:—

ON MY RETURN HERE, ON MONDAY EVENING last, I received the following resolution:

"Resolved, That His Excellency, the Governor, be and he is hereby respectfully requested to furnish the Senate, at his earliest convenience, with copies of any correspondence or other information in his possession, touching the continuance in office of the Acting Assistant Provost Marshal General of the United States, for the Western district of Pennsylvania, together with any suggestion he may deem advisable on the subject."



I am informed that the Acting Assistant Provost Marshal General for the Western district of Pennsylvania has been relieved from duty by the National authorities, and presume, therefore, that the reasons for the call of the Senate for the correspondence on the subject have ceased to exist.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Authorizing the Construction of a Pier or Wharf in the River Delaware."

Executive Chamber,  
Harrisburg, Pa., March 7, 1865.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill, entitled "An Act authorizing the construction of a pier or wharf in the river Delaware," with my objections to the same.

It appears that the Reading railroad company and Mr. Isaac Morris respectively own land on the river Delaware. These properties are not adjoining; there is a narrow strip of land between them. The wharf line, at a point between these two properties, forms an entering angle, so that if wharves perpendicular to the wharf line, be extended to it on each of the properties, they will nearly form a triangle, leaving at the apex a very small opening. Under these circumstances both parties applied to the Board of Wardens for a license to extend their wharves to the wharf line; license was granted to Mr. Morris and refused to the Reading railroad company. The company appealed from the refusal of a license to them, and that appeal is still pending. The law gave them no appeal



from the decision of the board on the application of Mr. Morris. The present bill proposes to give the Reading railroad company the right to erect the wharf, as proposed by them, thus summarily deciding the appeal in their favor by a legislative act, and wresting the case (involving, as it does, important private interests) from the court of justice in which it is actually pending. I think this would be a dangerous and unjust course of proceeding, and therefore I cannot approve this bill.

At the same time, it appears to be a defect in the existing law, that no appeal is allowed when a license has been granted by the board. I think that the Reading railroad company should be allowed to appeal from the grant of the license to Mr. Morris in this case, and that parties similarly situated should have the right of appeal from the grant of a license to owners of property in their vicinity. I recommend, therefore, the passage of a bill giving the right of appeal in such cases, and extending that right to the case of all licenses heretofore granted by the Board of Wardens, under which the wharf license has not been conferred, thus covering the case of Mr. Morris, who, I understand, has not yet extended his wharf. This right of appeal should be given to any owner of property in the vicinity of the proposed wharf, who may conceive that his interests are affected by the grant of the license appealed from. For these reasons I have withheld my signature from this bill.

A. G. CURTIN.



To the Assembly Vetoing "An Act for the Relief of the Philadelphia and Trenton Railroad Company."

Executive Chamber,  
Harrisburg, Pa., March 10, 1865.

Gentlemen:—

**I** RETURN TO THE SENATE, IN WHICH IT ORIGINATED, bill, entitled "An Act for the relief of the Philadelphia and Trenton railroad company," with my objections to the same.

By the act of 21st of April, 1858, (P. L. 419,) all taxable corporations are required to report to the Auditor General, annually, in the month of November, stating specifically the amount of capital paid in, and the date, amount and rate per centum of each and every dividend declared by them during the year, ending on the first Monday of said month.

The second section provides that if such report be neglected to be made, on or before the 31st of December, the accountant officers shall add ten per cent. to the tax of any corporation so in default; and further, that if any such corporation shall fail to make such report, during the months of November and December, for three successive years, the Auditor General shall report the fact to the Governor, who shall thereupon, by proclamation, declare the charter of such corporation forfeited.

The Philadelphia and Trenton railroad company report under the acts for the years 1860, 1861 and 1862, until the 15th of May, 1863. On the 3d of June, 1863, the accountant officers settled their accounts according to law, adding the ten per cent., and the amount was paid by the company to the State Treasurer, on the 1st of August, 1863.

By the act of 4th April, 1859, (P. L. 358), railroad corporations are required to make an annual report to the Auditor General, embracing in detail, the opera-



tion and affairs of the corporation during the preceding year, up to and including the 30th October, and such other information as the Auditor General shall direct. These reports are to be filed by the Auditor General, and copies transmitted to the Legislature. The penalty for neglecting to make them is five thousand dollars. Under this last mentioned act the Philadelphia and Trenton railroad company did make reports, on the 29th November, 1860, 19th November, 1861, and 21st November, 1862. It will be allowed that the reports made under the act of 1859, do not form a basis of taxation at all, and also, that if the Auditor General had performed his duty vigorously, the charter of the Philadelphia and Trenton railroad company would have been declared forfeited, by proclamation, in January, 1863. He was content with simply adding the ten per cent. to the sum, according to law, and the company paid it, and availed themselves of his lenity for the continuance of their charter.

Under these circumstances the allegation in the present bill, that the company had, in point of fact, made such report of dividends, is substantially untrue. They made no such report of dividends until the 15th May, 1863. The reports previously made were under the act of 1859, and had nothing to do with taxation. The added ten per cent., therefore, was not charged or paid under any mistake or fact.

It has been found not easy to enforce the payment of taxes by corporations, as a reference to our statute book will show. To encourage any of them in neglecting their duties in this regard, would be a precedent which would probably be injurious to the public revenue. For these reasons I cannot approve this bill, which, in effect, proposes to refund to the Philadelphia and Trenton railroad company the amount of the ten per cent. which they have paid, and for which, by law, they were clearly liable.

A. G. CURTIN.



TO THE SENATE OF THE COMMONWEALTH OF PENNSYLVANIA,  
HARRISBURG.

EXECUTIVE CHAMBER.

HARRISBURG, MARCH 21, 1865.

GENTLEMEN:—

**T**HE LEGISLATIVE COLLEGE OF PENNSYLVANIA, a body of the Senate of Government of this State, on the 7th day of November, A. D. 1864, passed a resolution that the Governor be requested to transmit to this Legislature a copy of the proceedings of the said College, and accompanying documents, with the view of having the same entered upon the Journals thereof.

In accordance with the said request, I herewith transmit to the General Assembly the said copy of proceedings and accompanying documents.

A. G. CURTIN.

To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 21, 1865.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly, of the 14th of April, A. D. 1845, establishing an asylum for the insane of this Commonwealth, Jas. J. Barclay, Esq., of the city of Philadelphia, John L. Atlee, M. D., of the city of Lancaster, and Daniel W. Cross, Esq., of the city of Harrisburg, to be trustees of the Pennsylvania State Lunatic hospital, for three years, to be computed from the 7th day of February last past.

A. G. CURTIN.



Proclamation of Rejoicing upon the Occasion of the  
Fall of Richmond.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. **ANDREW G. CURTIN,**  
Governor of the said Common-

wealth.

**A PROCLAMATION.**

The last centre of Treason has  
fallen. Richmond is ours—our armies  
entered it amid the cheers and general  
joy of its rescued inhabitants so long  
ground under the heel of usurping op-  
pressors. The beaten rebel host is  
fleeing, hotly pursued by our victorious cohorts, to be  
soon captured or dispersed.

Let us give Glory to the Lord who hath given us  
the victory.

The Republic is saved.

Again let us say Glory to the Lord who hath inspired  
our heroic people, that during four weary years, tho'  
often baffled, defeated and disheartened, they have  
persisted steadily in the great cause, and have poured  
out their blood and treasure like water for the salva-  
tion of the Country.

The names of our leaders and their companions  
on the land and water, stand on imperishable rolls of  
honor, and to the last hour of time will be held in  
grateful remembrance.

I call on the people of the Commonwealth to as-  
semble in their places of worship on Sunday next and  
render thanks to Almighty God for all his mercies,  
and especially for that he hath been graciously pleased



To the Assembly Transmitting Proceedings of the  
Electoral College.

Executive Chamber,  
Harrisburg, March 10, 1865.

Gentlemen:—

**T**HE ELECTORAL COLLEGE OF PENNSYLVANIA, which met at the seat of Government of this State, on the 7th day of December, A. D. 1864, passed a resolution that the Governor be requested to transmit to this Legislature a copy of the proceedings of the said College, and accompanying documents, with the view of having the same entered upon the Journals thereof.

In accordance with the said request, I herewith transmit to the General Assembly the said copy of proceedings and accompanying documents.

A. G. CURTIN.

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To the Senate Nominating Trustees of the Pennsylvania State Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 21, 1865.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly, of the 14th of April, A. D. 1845, establishing an asylum for the insane of this Commonwealth, Jas. J. Barclay, Esq., of the city of Philadelphia, John L. Atlee, M. D., of the city of Lancaster, and Daniel W. Gross, Esq., of the city of Harrisburg, to be trustees of the Pennsylvania State Lunatic hospital, for three years, to be computed from the 7th day of February last past.

A. G. CURTIN.



Proclamation of Rejoicing upon the Occasion of the  
Fall of Richmond.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. **ANDREW G. CURTIN,**  
Governor of the said Common-

**A PROCLAMATION.**



The last centre of Treason has fallen. Richmond is ours—our armies entered it amid the cheers and general joy of its rescued inhabitants so long ground under the heel of usurping oppressors. The beaten rebel host is fleeing, hotly pursued by our victorious cohorts, to be soon captured or dispersed.

Let us give Glory to the Lord who hath given us the victory.

The Republic is saved.

Again let us say Glory to the Lord who hath inspired our heroic people, that during four weary years, tho' often baffled, defeated and disheartened, they have persisted steadily in the great cause, and have poured out their blood and treasure like water for the salvation of the Country.

The names of our leaders and their companions on the land and water, stand on imperishable rolls of honor, and to the last hour of time will be held in grateful remembrance.

I call on the people of the Commonwealth to assemble in their places of worship on Sunday next and render thanks to Almighty God for all his mercies, and especially for that he hath been graciously pleased



to look favorably on us, and make us the Instruments to establish the Right,—to vindicate the principles of Free Government,—and to prove the certainty of Divine Justice.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fourth day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

Proclamation Recommending the Suspension of Business and the Payment of all Marks of Respect in Connection with the Passage Through the State of the Remains of Abraham Lincoln.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said Commonwealth.

#### A PROCLAMATION.

The remains of the murdered patriot, Abraham Lincoln, President of the United States, will arrive in the State on Friday evening next on their way to the place of interment in Illinois. They will come from Baltimore to Harrisburg—thence will, on Saturday, be conveyed to Philadelphia, and thence, on Monday morning, to



New York. I shall meet them at the State line, and take charge of them while in the Commonwealth. I recommend that all business be suspended during their passage through the State, and that the local authorities and people everywhere, join the State authorities heartily in paying honor to the memory of the martyred statesman, who has fallen a victim to the savage treason of assassins.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

April 19, 1865.

Proclamation of a Reward of Ten Thousand Dollars for the Capture, within the Commonwealth, of J. Wilkes Booth, the Assassin of President Abraham Lincoln.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN, Governor of the said Common-

**A PROCLAMATION.**

Whereas, It is rumored that J. Wilkes Booth, the assassin of President Lincoln, has, within a day or two, been seen in Pennsylvania:

Now, therefore, I, ANDREW G. CURTIN, Governor as aforesaid, do offer a reward of ten thousand dollars, to be paid to the person or persons who shall capture him, said



Booth, within this Commonwealth, so that he may be brought to justice; said reward to be paid immediately after the necessary appropriation shall have been made by the Legislature.

Given under my hand and the great seal of the State at Harrisburg, this twentieth day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the Commonwealth the eighty-ninth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

Proclamation of a Day of Humiliation and Mourning for the Death of the Late President Abraham Lincoln.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

A PROCLAMATION.

Whereas the President of the United States has by his proclamation fixed the 25th day of May next as a day of humiliation and mourning for the death by assassination of our late beloved President Abraham Lincoln and for numbling ourselves before Almighty God in order that the bereavement may be sanctified to the nation,

And whereas it is most fit and meet that said Procla-



mation harmonizing as it does with all our feelings and sympathies should be everywhere respectfully obeyed,

Now therefore, I Andrew G. Curtin, Governor of the said Commonwealth, Do issue this my proclamation earnestly recommending the people of this Commonwealth to set apart Thursday the 25th day of May next as a day of humiliation and mourning and in conformity with the President's proclamation then to assemble in their respective places of worship there to unite in solemn service to Almighty God in memory of the good man who has been removed, so that all shall be occupied at the same time in contemplation of his virtues and in sorrow for his sudden and violent end.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty sixth day of April in the year of our Lord one thousand eight hundred and sixty-five and of the Commonwealth the eighty-ninth.

By the Governor:

Eli Slifer,

Secretary of the Commonwealth.

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Proclamation of a Day of Humiliation and Mourning  
on Account of the Assassination of President Abraham Lincoln.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY  
the authority of the Commonwealth of Pennsylvania. ANDREW G. CURTIN,  
Governor of the said Common-

wealth.



## A PROCLAMATION.

Whereas, The President of the United States has, by his proclamation, fixed the 1st day of June next as a day of humiliation and mourning for the death, by assassination, of our late beloved President, Abraham Lincoln, and for humbling ourselves before Almighty God, in order that the bereavement may be sanctified to the nation.

And whereas, It is most fit and meet that said proclamation, harmonizing as it does with all our feelings and sympathies, should be everywhere respectfully obeyed:

Now, therefore, I, ANDREW G. CURTIN, Governor of the said Commonwealth, do issue this, my proclamation, earnestly recommending the people of this Commonwealth to set apart THURSDAY, the first day of June next, as a day of humiliation and mourning, and in conformity with the President's proclamation, then the assemble in their respective places of worship, there to unite in solemn service to Almighty God, in memory of the good man who has been removed; so that all shall be occupied at the same time in contemplation of his virtues in sorrow for his sudden and violent end.

Given under my hand and the Great Seal of the State, at Harrisburg, this fourth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Commonwealth the eighty-ninth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.



Congratulatory Address to the People of this Commonwealth upon the Close of the War of the Rebellion.

Executive Chamber,  
Harrisburg, June 10, 1865.

To the People of Pennsylvania:

**T**HE BLOODY STRUGGLE OF FOUR YEARS IS ended. The supremacy of law and right is re-established. The foulest treason recorded in history has been beaten to the earth. Our country is saved.

These blessings we owe, under God, to the unequalled heroism, civic and military, of the people. In the darkest hours, under the heaviest discouragements, falter who would, they never faltered.

They have been inspired with the determination to maintain the free Government of our fathers, the continued union of our whole country, and the grand Republican principles which it is their pride and duty to defend for the sake not only of themselves but of the human race.

I glory in saying that the people of Pennsylvania have been among the foremost in the career of honor. Their hearts have been in the contest; their means and their blood have been poured out like water to maintain it.

The remnants of the heroic bands that left her soil to rescue their country, are now returning, having honorably fulfilled their service. They have left tens of thousands of their brothers on many a bloody field.— Their memories will be preserved on our rolls of honor. For their widows and families a grateful country will suitably provide.

Let the survivors who are now returning to us have such welcome as befits a brave and patriotic people to give to the gallant men who have saved the country and shed new lustre on Pennsylvania.



I recommend that in every part of the State, on the approaching anniversary of Independence, special observances be had of welcome to our returned defenders, and of commemoration of the heroic deeds of themselves and their comrades who have fallen.

ANDREW G. CURTIN,  
Governor of Pennsylvania.

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Proclamation of the Cancellation of Seven Hundred and Forty-Five Thousand Eight Hundred and Eleven Dollars of the Principal Debt of the Commonwealth Through the Commissioners of the Sinking Fund.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. ANDREW G. CURTIN,  
Governor of the said Common-

A PROCLAMATION.

Whereas by the third Section of the Act of the General Assembly of this Commonwealth passed the Twenty-second day of April A. D. one thousand eight hundred and fifty-eight entitled "An Act to establish a Sinking Fund for the payment of the Public Debt," It is made the duty of the Secretary of the Commonwealth, the Auditor General and State Treasurer Commissioners of the Sinking Fund created by said Act of the General Assembly on the First Monday of September A. D. one thousand eight hundred and



fifty-nine and on the same day annually thereafter to report and certify to the Governor the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the Certificate representing the same to be cancelled and on such cancellation issue his proclamation stating the facts and the extinguishment and final discharge of so much of the principal of said debt.

And whereas Eli Slifer, Isaac Slenker, and William H. Kemble, Commissioners of the Sinking Fund, in obedience to the requirements of law report and certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the Fifth day of September A. D. one thousand eight hundred and sixty-four, to the Fourth day of September, one thousand eight hundred and sixty-five, amounts to the sum of Seven Hundred and Forty-five Thousand Eight Hundred and Eleven Dollars and Twenty-six Cents, made up as follows, viz:

Five per cent. loan of the Commonwealth, .....	\$436,824 62
Coupon loan, .....	230,000 00
War loan, .....	76,400 00
Interest certificates redeemed, .....	2,008 64
Domestic creditors, .....	578 00
	<hr/>
	\$745,811 26
	<hr/>

Now therefore as required by the Third Section of the Act of Assembly first above mentioned, I do hereby issue this my Proclamation declaring the payment, cancellation, extinguishment and final discharge of Seven hundred and forty-five thousand eight hundred and eleven dollars and twenty-six cents of the principal debt of the Commonwealth.



Given under my Hand and the Great Seal of the State at Harrisburg, this Sixth day of September, in the year of our Lord one thousand eight hundred and sixty-five and of the Commonwealth the ninetieth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

### Proclamation of the Election of Daniel Agnew as Judge of the Supreme Court.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. **ANDREW G. CURTIN**, Governor of the said Common-

wealth.

#### A PROCLAMATION.

Whereas, In and by an act of the General Assembly of this Commonwealth passed the Fifteenth day of April, A. D. 1851, entitled "An Act to provide for the election of Judges of the several Courts of this Commonwealth and to regulate certain judicial districts," it is enacted and provided as follows, viz:

"Section 9. That on the first Tuesday in November next following any election authorized by this act the Secretary of the Commonwealth shall in the Hall of the House of Representatives in the presence of the Governor and such other Citizens of this Commonwealth as may choose to attend cause the returns made to him under the provisions hereof to be opened



and the votes cast for Judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his Proclamation declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected by this act, and who have received the highest number of votes to be duly elected,”

And whereas, The Secretary of the Commonwealth did at the time and place and in the manner provided by the act aforesaid, cause the returns of the election made to him to be opened and the votes cast for Judges of the Supreme Court to be accurately computed;

Now therefore, in obedience to the requirements of the above recited Ninth Section of the Act of the General Assembly aforesaid, I do hereby issue this Proclamation publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the late General Election held on the Second Tuesday of October last Daniel Agnew, having received the greatest number of votes, has been duly elected Judge of the Supreme Court for fifteen years from the first Monday of December next.

Given under my Hand and the Great Seal of the State at Harrisburg, this Sixth day of November, in the year of our Lord one thousand eight hundred and sixty-three, and of the Commonwealth the eighty-eighth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving.—1865.

Pennsylvania, ss.

(Signed.) A. G. Curtin.

**I**N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.      ANDREW G. CURTIN, Governor of the said Commonwealth.

## A PROCLAMATION.

With feelings of the most profound gratitude to Almighty God, I invite the good people of the Commonwealth to meet in their places of public worship on Thursday, the seventh day of December next, and raise their hearts and voices in praise and thanksgiving to Him, not only for the manifold ordinary blessings, which during the past year, He has continued to heap upon us, for abundant and gathered harvests, for general health, for domestic good order and government, but also, most expressly and fervently for His unequalled goodness in having so strengthened and guided our people, during the last four years, that they have been enabled to crush to earth the late wicked rebellion and to exterminate the system of human slavery which caused it.

As we wrestled in prayer with Him in the dark time of our trouble—when our brothers and sons were staking life and limb for us on many a bloody field, or suffering by torture and famine in the Hells of Andersonville or the Libby—so, now, when our supplications have been so marvelously and graciously answered, let us not withhold from Him the homage of our thanksgiving. Let us say to all, “Choose ye this day whom ye will serve, but as for us and our house, we will serve the Lord.”

Come then ye people whom He hath so helped and led—come ye war-worn and mutilated men whom He



hath spared to return to your dear homes—let us throng the gates of His temple—let us throw ourselves on the knees of our hearts with awful joy at the foot of His throne, and render aloud our praise and thanksgiving to Him because He hath made the Right to prevail—because He hath given us the victory—because He hath cleansed our land from the stain of human slavery—and because He hath graciously shewn forth in the eyes of all men, the great truth that no government is so strong as a Republic, controlled under His guidance, by an educated, moral and religious people.

Given under my Hand and the Great Seal of the State at Harrisburg, this seventh day of November, Anno Domini one thousand eight hundred and sixty-five, and of the Commonwealth the ninetieth.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

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To the Assembly Concerning the Governor's Contemplated Absence from the Seat of Government.

Gentlemen:

**T**HE TOILS AND ANXIETIES OF THE LAST four years have, from time to time, brought on me severe attacks of disease. From the most severe of these, I am now slowly struggling towards recovery. I find that to give my constitution an opportunity to continue this struggle, it is absolutely necessary that I should, without delay, make a short sea voyage and sojourn in a milder climate. Under the pressure of this necessity, I go to the Island of



- Cuba. It is my hope and intention to return in good season, to welcome you on your arrival at the Seat of Government. But if it should be found indispensable, that my visit to Cuba should be prolonged to the early part of February, this message will serve to lay before you the cause of my absence at the commencement of your session. In this case, I feel sure that you will adopt such course as shall consist with your wisdom and with the affectionate consideration which I have always received at your hands.

It would, however, not become me to forget that the issues of life are in the hands of the One above all, and that many have found death waiting for them on the foreign shore, to which they had been sent in search of health. Should such be my fate, I shall draw my last breath with a sense of the deepest gratitude to the people of the Commonwealth and their Representatives, for the cheerful, manly, unfailing support which they have given during the last four years, to the great cause of the right, and to me in my efforts to maintain it, and with a prayer of thankfulness to Almighty God, that He strengthened me till the end of the cruel rebellion, and thought me worthy to be permitted to continue to that time as Chief Magistrate of the people of Pennsylvania. To have my name connected in that relation, with such a people, during such a time, ought to be enough to fill the highest measure of any man's ambition.

ANDREW G. CURTIN.

Executive Chamber,  
Harrisburg, November 27, 1865.



To the Assembly Vetoing "An Act Authorizing the Delaware Division Canal Company of Pennsylvania to Increase Their Tolls."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 52, entitled "An Act authorizing the Delaware Division canal company of Pennsylvania to increase their tolls," with my objections to the same.

At the time of the sale of the State canals, in the year 1858, they were finished works, and had been in actual operation for many years; the character of their structure, the expense of maintaining and keeping them in repairs, the amount of the trade upon them—every circumstance necessary to the ascertainment of what price a purchaser could safely afford to give, was capable of being fully known. In the act of 21st April, 1858, which authorized the sale of those canals, a clause was inserted, expressly providing that the tolls thereon should not exceed the rates fixed by the toll-sheet, published by the Canal Commissioners for the year 1856. The present company bought this work under the act of 1858, subject to the restrictions in regard to tolls above referred to, which no doubt diminished the price. Notwithstanding any plausible reasons that may be given for getting away from the bargain, I am for holding all the purchasers of the State Canals strictly to the terms of their contracts. If the terms were altered for the benefit of the company there would be no good reasons for refusing the same advantage to the others. It is true now, (it was equally true at the time of the purchase of the canals from this State,) that all these canals find their outlets respectively to the waters of the Chesapeake, or of New York,



through canals on which greater tolls can be charged than these companies are authorized to charge; and it may also be true that the whole toll on the entire route is limited by the competition of other routes, so that in fact, an increase of toll on the canal, in question, might not increase the whole tolls on the route, but merely equalize the receipts of the several companies on the route. If, for these reasons, the Legislature should think fit to allow the purchasers of the State canals to increase their tolls, then they ought to pay the Commonwealth for that privilege.

For instance, if the proposed increased rate of tolls on the Delaware Division canal, estimated on the tonnage of last year, would yield an additional revenue of \$60,000, then let the company pay to the Commonwealth \$1,000,000, of which that sum would be the interest, for the privilege of so increasing their tolls. The profits of the company, on this arrangement, would be derived from the regularly increasing tonnage carried on the route.

For these reasons I cannot approve the bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Authorize the Courts to Decree an Increase of Tolls, and Exercise Chancery Jurisdiction over Turnpike and Plank Road Companies in Certain Counties of this Commonwealth."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill, No. 147, entitled "An Act to authorize the courts to decree an increase of tolls, and exercise chancery jurisdiction over turnpike



and plank road companies in certain counties of this Commonwealth," with my objections to the same.

This bill proposes, among other things, to give the courts in certain counties authority to increase the tolls on turnpike and plank roads. In my opinion, such authority should not be conferred upon the courts. It is not judicial in its nature, and they would not be bound to exercise it. Our judiciary is now elective, and this fact affords additional reasons for not attempting to press upon the courts matters which are extra-judicial, and on which they cannot act without being more or less thrown in the way of popular excitement. I therefore cannot approve this bill.

A. G. CURTIN.

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To the Assembly Vetoing "A Supplement to an Act Entitled 'An Act Relating to Corporations for Manufacturing, Mining and Quarrying Purposes, approved July 18, 1863, Authorizing the Sale of Real and Personal Estate, the Reduction of Capital Stock, and the Dissolution of Corporations Organized Under Said Act.'"

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 366, entitled "A supplement to an act, entitled 'An Act relating to corporations for manufacturing, mining and quarrying purposes, approved July 18, 1863, authorizing the sale of real and personal estate, the reduction of capital stock, and the dissolution of corporations organized under said act,'" with my objections to the same.



This bill proposes to give new, dangerous and most unreasonable privileges to the litter of corporations set up under the act of 18th July, 1863. I think that act ought to be repealed, and shall certainly not consent to give further facilities under it to injure our citizens. By the provisions of this bill, companies formed under the act of 1863, and at any time when they found it convenient, sell all their real and personal estate, and dissolve themselves.

The bill also allows companies to be incorporated to carry on their mining or other operations, in whole or part beyond the limits of the Commonwealth. To confer this privilege, would be to sanction, by our example, the unworthy system from which we are suffering so much. In parts of our State swarms of foreign corporations have settled down, under charters of the provisions of which we have no means of getting information. They cannot be reached for the purpose of taxation; they make no returns to the Auditor General; in many cases, they directly or indirectly hold lands against law; in fact they are a source of great disturbance and embarrassment to the Commonwealth. Is it worthy of the Commonwealth, with such experiences of these evils, to wantonly authorize parties to create similar disturbances in our sister States? In my opinion, we have no right to pursue such a course.

For these reasons I cannot approve the bill.

A. G. CURTIN.



To the Assembly Vetoing "A Supplement to an Act Relating to the Sale and Conveyance of Real Estate."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

[ HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 402, entitled "A supplement to an act relating to the sale and conveyance of real estate, passed the 18th of April, 1853," with my objections to the same.

In my opinion the act of 1853, to which this bill is a supplement, gave many more facilities to destroy liens on and titles to real estate, than either wisdom or justice warranted. I cannot approve of extending those facilities, as is proposed to be done by this bill, especially as I deem that it confirms past sales—which are thus assumed to have been illegal—with what effect upon existing liens and titles it is not difficult to see.

For this reason I have withheld my signature from the bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the Franklin Gold and Silver Mining Company."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

[ HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 484, entitled "An act to incorporate the Franklin Gold and Silver mining company," with my objections to the same.

The bill proposes to give the company the right to



hold lands in any State or Territory of the United States, without any limitation as to the quantity of land that may be held, and contains no provisions for a bonus, nor for the liability of the stockholders for any of the debts of the company proposed to be incorporated.

For these reasons I cannot approve the bill.

A. G. CURTIN.

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To the Assembly Vetoing "A Supplement to the Act  
Incorporating the National Oil Company."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

[ HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 488, entitled "Supplement to the act incorporating the National oil company, approved August 18, 1864." The enrolment tax has not been paid on the act to which this bill is styled a supplement, and that act is therefore now extinct. If this were otherwise, I should object to this bill, because it extends to one corporation all the privileges of another, without specifying them. I therefore have withheld my signature from this bill.

A. G. CURTIN.



To the Assembly Vetoing "An Act Repealing Certain Sections of an Act Approved the 15th Day of May, 1850. Entitled 'An Act to Create a Sinking Fund, and to Provide for the Gradual and Certain Extinguishment of the Debt of the Commonwealth, and to Authorize a Loan, and to Fix the License Fee of Stock, Exchange and Bill Brokers.' "

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 497, entitled "An Act repealing certain sections of an act approved the 15th day of May, 1850, entitled 'An Act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the Commonwealth, and to authorize a loan, and to fix the license fee of stock, exchange and bill brokers.' " with my objections to the same.

The sections proposed to be repealed impose a license tax upon stock, exchange and bill brokers, apportioned according to the amount of their respective transactions. This bill proposes to repeal that system and imposes in lieu thereof, a license fee of fifty dollars, on each broker, whatever may be the amount of his business. It is plain that this change must injure the revenue of this Commonwealth, and I know of no good reason for it.

I therefor have withheld my signature from this bill.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Incorporate  
the Crawford County Mining Company."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 561, entitled "An Act  
to incorporate the Crawford County mining com-  
pany," with my objections to the same.

This bill contains no provisions for a bonus, nor for  
the liability of the stockholders, for any debts of the  
company proposed to be incorporated.

For this reason I cannot approve this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate  
the Williamsport and Prescott Mining Company of  
Arizona."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN  
which it originated, bill No. 1051, entitled "An Act  
to incorporate the Williamsport and Prescott min-  
ing company of Arizona," with my objections to the  
same.

This bill proposes to give the company the right to  
hold lands in any State or Territory of the United  
States, without any limitation as to the quantity of  
land, or designation of the points where such lands  
may be held.

For these reasons I cannot approve the bill.

A. G. CURTIN.



To the Assembly Vetoing "An Act to Incorporate the Sulphur Springs Mining Company."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I HEREWITH RETURN TO THE SENATE, IN**  
which it originated, bill No. 1138, entitled "An Act to incorporated the Sulphur Springs mining company," with my objections to the same.

This bill does not limit in any way the quantity of land that may be held; imposes no bonus tax, nor any liability of the stockholders for any debts of the company, proposed to be incorporated.

For these reasons I cannot approve this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Authorizing the North Western Pennsylvania Petroleum Company to Acquire and Hold Land in this Commonwealth."

Executive Chamber,  
Harrisburg, November 27, 1865.

Gentlemen:

**I HEREWITH RETURN TO THE SENATE, IN**  
which it originated, bill No. 1230, entitled "An Act to authorize the North-Western Pennsylvania petroleum company to acquire and hold land in this Commonwealth," with my objections to the same.

This bill proposes to give to a New York corporation the right to hold two thousand acres of land in this Commonwealth over and above the amount now authorized by law. I am not aware that it is even au-



thorized by law to hold any land in Pennsylvania, and I do not approve the giving them such authority.

We have most fair, just and liberal general laws, authorizing the creation of corporations for almost all useful purposes, including those for which from its title this company probably obtained its charter from New York. To treat our laws with contempt and set up corporations to hold lands in this State under charters obtained elsewhere, and of the nature and provisions of which we have no means of being informed, is something more than unlawful. It has been and is too frequently attempted, but I will give the system no countenance, nor omit any measure in my power to adequately punish those who may persist in it.

For these reasons I cannot approve the bill.

A. G. CURTIN.

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To the Assembly Announcing the Governor's Return to the Capital.

Executive Chamber,

Harrisburg, January 23, 1866.

Gentlemen:

I HAVE THE HONOR TO ANNOUNCE MY RETURN to the Capital, after a temporary absence for reasons stated in my message at the opening of your session, and am ready for the transaction of any official business which it may be your pleasure to present to me.

I expect to be prepared to send in my annual message in the beginning of next week, and in the meantime cannot communicate this official announcement of my return, without expressing to you my deep sense of gratitude for your considerate kindness.

A. G. CURTIN.



Annual Message to the Assembly.—1866.

Pennsylvania, Executive Chamber,  
Harrisburg, January 30, 1866.

Gentlemen:

**WE HAVE CAUSE TO BE THANKFUL TO DI-**  
vine Providence for the blessings of peace with-  
in our borders, abundant crops, unanimity  
among our people, and that thus this Commonwealth  
has been enabled to do her full duty to the country,  
to herself and to posterity.

I apprised you in my message of the 27th of Novem-  
ber, 1865, and delivered to you at the beginning of  
your session, of the necessity under the pressure of  
which I was compelled, for the restoration of my  
health, to sojourn for a time in a warmer climate. I  
returned from Cuba refreshed and invigorated, and  
have resumed the discharge of my public duties. I  
cannot omit to acknowledging, with profound grati-  
tude, the kind, considerate and affectionate course  
which you pursued during my constrained absence. A  
heavy addition has been thus made to the debt which  
I already owe to the people of the Commonwealth and  
their Representatives.

The balance in the Treasury, November

30, 1864, ..... \$1,942,203 63

Receipts during fiscal year, ending No-

vember 30, 1865, ..... 6,219,989 67

Total in Treasury for fiscal year,

ending November 30, 1865, ..... \$8,162,193 30

The payments for the same period have

been, ..... 5,788,525 16

Balance in treasury, November 30,

1865, ..... \$2,373,668 14



## RECAPITULATION OF THE PUBLIC DEBT.

The following is a recapitulation of the public debt of the State of Pennsylvania, as it stood on the first day of December, 1864, and as it stood on the first day of December, 1865. Amount of debt on the first day of December, 1864, \$39,379,603.64.

Five per cent. stocks, . . . . .	\$1,703,517 88
Four and half per cent. stocks, . . . . .	20,000 00
Domestic creditor certificates, . . . . .	578 00
Military loan, act of May 15, 1861, . . . . .	179,250 00
	<u>\$1,903,345 88</u>

The above recapitulation of the public debt of the State of Pennsylvania, as it stood on the first day of December, 1864, and as it stood on the first day of December, 1865, is given for the purpose of showing the increase of the public debt of the State of Pennsylvania, during the year ending with November 30, 1865. The increase of the public debt of the State of Pennsylvania, during the year ending with November 30, 1865, is \$1,903,345.88.

Amount of the public debt of Pennsylvania, as it stood on the first day of December, 1864, \$39,379,603.64.

Amount redeemed at the State Treasury, during the fiscal year ending with November 30, 1865, viz:

Five per cent. stocks, . . . . .	\$1,703,517 88
Four and half per cent. stocks, . . . . .	20,000 00
Domestic creditor certificates, . . . . .	578 00
Military loan, act of May 15, 1861, . . . . .	179,250 00
	<u>\$1,903,345 88</u>

Public debt, December 1, 1865, \$37,476,258.06.

Assets in the Treasury:

Bonds Pennsylvania railroad company, . . . . .	\$6,700,000 00
Bonds Philadelphia and Erie railroad company, . . . . .	3,500,000 00
Interest on bonds Philadelphia and Erie railroad company, . . . . .	1,050,000 00



**SAMUEL WYLIE CRAWFORD**  
of Pennsylvania.  
Major General in the United States Army.



The operations of the sinking fund, during the year ending on the first Monday of September last, as stated in my proclamation, were as follows: Amount of debt reduced, \$745,811.26, as follows, viz:

Five per cent., .....	\$436,824 62
Coupon loan, .....	230,000 00
War loan, .....	76,400 00
Interest certificates, .....	2,008 64
Domestic creditors, .....	578 00

The discrepancy between the reduction of the public debt, as shown by the statement at the close of the fiscal year, and that in my proclamation at the close of the sinking fund year, arises from the fact, that the one closes on the first Monday of September, the other on the 30th day of November.

Amount of the public debt of Pennsylvania, as it stood on the first day of December, 1864, \$39,379,603.94.

Amount redeemed at the State Treasury, during the fiscal year ending with November 30, 1865, viz:

Five per cent. stocks, .....	\$1,703,517 88
Four and half per cent. stocks, .....	20,000 00
Domestic creditor certificates, .....	578 00
Military loan, act of May 15, 1861, ....	179,250 00
	<hr/>
	\$1,903,345 88

Public debt, December 1, 1865, \$37,476,258.06.

Assets in the Treasury:

Bonds Pennsylvania railroad company,	\$6,700,000 00
Bonds Philadelphia and Erie railroad company, .....	3,500,000 00
Interest on bonds Philadelphia and Erie railroad company, .....	1,050,000 00



**SAMUEL WYLIE CRAWFORD**  
**of Pennsylvania.**  
**Major General in the United States Army.**







Cash in treasury, .....	2,373,668	14
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	\$13,623,668	14
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Liabilities in excess of assets, ....	\$23,852,589	92
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Liabilities in excess of assets, Novem- ber 30, 1860, .....	\$26,408,168	94
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Liabilities in excess of assets, Novem- ber 30, 1865, .....	23,852,589	92
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Improvement in condition of Treas- ury, since November 30, 1860,...	\$2,555,579	02
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By the report of the State Treasurer, it will be observed that the extraordinary expenditures growing out of the war, not refunded by the General Government, have been \$4,028,627.21. This includes the direct tax paid to the United States by the State, which is not re-imbursable. In the balance is included the \$671,476.43 paid to the militia, which, with a good portion of the remaining expenditures, is clearly due the State from the General Government.

The necessity for extraordinary expenditures having ceased with the suppression of the late rebellion, measures should be taken to examine our resources, and relieve, as far as possible, the heavy burdens to which our people are subjected.

It has been the habit of late years, to appropriate, freely, annual sums for the support of local charities; and such appropriations are almost every year increased in number and amount. House of Refuge, Institutions for the Deaf and Dumb and for the Blind, Lunatic Asylums,—these appear to me to be proper objects of State bounty, because a few of them are sufficient for the whole State, and to leave them to be provided for by the local authorities would, in fact, be



to deprive of protection, the unfortunate classes for whose benefit they are designed. But mere local charities, however meritorious and effective, should, I think, be left to the support of the benevolent parties who established them.

It is unjust that the people of the Commonwealth should be coerced to pay taxes in order that part of the money so raised may be given to the support of local charities, conducted by private associations, especially when it is remembered that hitherto but a small proportion of the private charities in the State have asked for such appropriation.

I recommend, therefore, that no appropriation be made for charities, beyond the institutions which I have above specified.

The taxes at present laid on corporations are unequal, and to a certain extent thereby unjust. I recommend the subject to the attention of the Legislature, with a view to a revision of the system.

Within a few years, acts have been repeatedly passed directing the expenditure of as much money as may be necessary to effect named purposes, sometimes without clearly designating by whom the money is to be expended, or how the accounts are to be expended, or how the accounts are to be examined. This custom is very recent, and has already led to abuses.

I recommend that the practice be corrected, and that no appropriation be made without having the exact sum appropriated, the specific purpose to which it is to be applied, and designating the officer by whom it is to be expended, and providing that the accounts shall be settled in the Auditor General's office in the usual manner.

Notwithstanding the large expenditures by the State for military purposes, since the breaking out of the rebellion, the condition of the Treasury is now \$2,555,579.12 better than it was then, and I am proud to be



able to state further, that on the 1st day of December, 1865, the State debt was \$492,938.66 less than it was on the 1st of January, 1861. These are truly gratifying facts.

Under these circumstances, it may be possible, with entire safety to our finances, to reduce or even repeal the ordinary State tax of two and a half mills on real estate. The tax of one-half mill laid by the act of May 16, 1861, was by that act expressly pledged for the re-payment of the loan of \$3,000,000, thereby authorized, and of course cannot be repealed or reduced until that re-payment shall have been made. I recommend this subject to the careful and deliberate consideration and judgment of the Legislature, and if it should be found that the tax can be repealed, I recommend that all laws authorizing the levying of local taxes on bonds, mortgages, loans and all property of that kind be also repealed. Such a repeal would largely encourage the investment of capital in this State, and add immensely to the wealth of the State, while the local authorities would lose very little, as it is notorious, that from the difficulties of assessment, they receive very little from these sources.

In case of such repeal, I recommend the adoption of some effectual measures for enforcing correct returns of such objects of taxation, with appropriate penalties for the neglect or refusal to make them.

I make these recommendations believing that it will lead to more equitable local taxation, and to greater economy in their disbursement.

Many acts are on our statute books, incorporating companies for various purposes, which companies have never been organized or gone into operation. I recommend that all such acts be repealed by a general law, and that provision be made, that in future every act authorizing a corporation shall become void, unless the corporation shall organize and use its franchises within a limited time.



Since my last annual message the war against armed treason has been brought to a close. Of the large contributions made by Pennsylvania to the National army, but a few of the men now remain in the service. The spirit which animated our people, at the outset of the rebellion, has never flagged; and we can look back with pride and satisfaction to the part taken by this State, in aiding to maintain the unity of the Government and in its defence against the assaults of its enemies.

In my first inaugural address, I took occasion to declare that Pennsylvania would, under any circumstances, render a full and determined support of the free institutions of the Union. The pledge so made was based upon my knowledge of the solid patriotism of her citizens. At that time danger threatened, but no one anticipated that it would break forth so suddenly, nor that it would grow to such fearful proportions as it in a brief time assumed.

My confidence in Pennsylvania, in her even, yet stubborn will, her ability and resources has been fully justified by the manner in which she has done her duty during the late eventful period.

On the request of the President of the United States, I made a communication to the Legislature, on the 9th day of April, 1861, setting forth that military organizations, of a formidable character, which did not seem to be demanded by any existing public exigency, had been formed in certain of the States, and that, whilst Pennsylvania yielded to no State, in her respect for and willingness to protect, by all needful guarantees, the constitutional rights and constitutional independence of her sister States, no contemplated attempt to resist the enforcement of the National law could meet with sympathy or encouragement from the people of this Commonwealth, and asked for authority and means to organize a military bureau at the Cap-



ital, and to so amend and modify the militia laws as to give vitality and energy to the military organizations of the State. On the 12th day of the same month, I signed a bill providing for the purposes indicated in my message.

It will be remembered that this patriotic action of the Legislature occurred before it was known that hostilities had actually commenced—and is believed to be the first official action by the authorities of any State, or by the National Legislature.

The first call made by the President for troops to aid in suppressing the rebellion, was on the 15th of April, 1861, for seventy-five thousand men; and that of this number, the quota of Pennsylvania was settled at fourteen regiments, to serve three months, unless sooner discharged. With unsurpassed alacrity and earnestness, volunteers answered to this call, in such numbers as manifested the intuitive conviction of the people, that the monstrous wickedness which had conceived an armed rebellion against the Constitution and the laws, could not be suppressed but by a colossal force.

Major General Robert Patterson was assigned, by the General Government, to a command, which included the forces raised in Pennsylvania. Within a week after the call of the President, communication with Washington was almost entirely cut off. General Patterson, prompted by the necessities of the situation, made, on the 25th of April, a requisition upon me for twenty-five additional regiments of infantry and one of cavalry, to be forthwith mustered into the service of the United States. Under this requisition, I accepted, from amongst the many pressing to be admitted into the service, a sufficient number of companies to fill it; care being taken to allow each county, as nearly as possible, a fair representation. Only eleven regiments, however, in addition to the fourteen called for by the President, were organized and mus-



tered into the service, before the order of General Patterson was countermanded by him, under instructions from the War Department.

On the 14th day of May, 1861, the Secretary of War, in a letter communicating the plan of organization, for three years regiments, confirmed the revocation of the order in the following language: "Ten regiments are assigned to Pennsylvania, making, in addition to the thirteen regiments of three months militia, already called for, twenty-three regiments. It is important to reduce, rather than enlarge this number, and in no event to exceed it. Let me earnestly recommend to you, therefore, to call for no more than twenty-three regiments, of which only ten are to serve during the war, and if more are already called for, to reduce the number by discharge."

The twenty-five regiments raised as above stated, comprised 20,979 men. The ardor of our people was unabated. Many of the companies, under my order, had arrived in camp at Harrisburg, and other maintained their organizations at home at their own expense, and by contributions from their neighbors and friends.

In the critical condition of the country, and anticipating that, in case of reverse to our arms, the borders of Pennsylvania would be the portals to the rich granaries, manufactories and store-houses of the North, I deemed it my duty to convene the Legislature, that adequate provision might be made to enable me to render the military power of the State as available and efficient as it should be, for the common defence of the State and the General Government; and accordingly, on the 20th day of April, 1861, issued my proclamation, calling for a meeting of the General Assembly, on the 30th of the same month.

In my message to the Legislature at its opening, I recommended the immediate organization, disciplining



and arming of at least fifteen regiments, exclusive of those called into the service of the United States.

The Legislature acted promptly upon this suggestion, and made full provisions for its effectual accomplishment. The result was the early and complete organization, clothing and equipment of the Pennsylvania Reserve Volunteer Corps, with its thirteen regiments of infantry, one of light artillery and one of cavalry, under the supervision of George A. M'Call, who was selected to command it, with the commission and rank of Major General. This corps contained 15,856 men, and the whole expense of raising, clothing, equipping, subsisting and paying them, until their entry into the United States service, was \$855,444.87. They were encamped in different parts of the State, excepting two of the regiments, commanded by Colonels Chas. J. Biddle and Seneca G. Simmons, and two batteries of artillery, under the command of Colonel Charles T. Campbell, which, at the request of the War Department, were sent on the 22d of June, 1861, to the relief of Colonel Wallace, at Cumberland, Maryland, and remained for about six weeks there, and in Western Virginia, engaged in active operations. Towards the close of July the whole corps was called for and taken, on a requisition, into the service of the United States. Within four days after the disaster at Bull Run, eleven regiments, in all respects ready for active service, were in Washington and Baltimore.

The troops sent to Western Virginia were re-called, and with the other two regiments of the corps, forwarded to Washington.

On the 26th of July, 1861, the Secretary of War expressed his gratification and thanks for the prompt response from Pennsylvania.

The wisdom of the Legislature in providing for the formation of this corps, for the interests of the State and the nation, was fully shown by subsequent events.



Most of the men who filled its ranks had been accepted by me under the call for twenty-five regiments, which was afterwards rescinded.

They had left their families and homes under a deep sense of duty to their country, and to have sent them back unaccepted would have caused serious difficulty in making future enlistments.

By acts of Congress of 22d and 25th July, 1861, the President was authorized to call upon the several States for volunteers to serve for three years. Under this authority requisitions were made on this State, and fourteen regiments were promptly furnished. In the meantime authorities had been granted by the President and the War Department to a number of individuals to raise regiments in different parts of the State, which seriously interfered with the action of the State authorities in filling requisitions regularly made under the acts of Congress.

The embarrassments arising from this conflict of authorities became at length so serious that I was constrained to call the attention of the President and Secretary of War to the subject, by a communication, dated the 1st of August, 1861, and on the 25th of September following, an order was issued requiring these independent regiments to report to the Governor, and placing them under his authority and control. Acting under this order, many of the independent regiments were filled up, others consolidated, and seventy-three regiments, with an aggregate strength of 89,048 men, were promptly sent forward.

During the year 1862 a draft was ordered by the General Government, which was executed under the State authorities.

Of the quota of the State, under the call of July 7, 1862, forty-three regiments of volunteers, aggregating 40,383 men, were put into service, and under the draft, ordered August 4th of the same year, fifteen regiments,



containing an aggregate force of 15,000 men, organized and sent forward. During the same period nine independent batteries of artillery were organized in the State, with an aggregate strength of 1,358 officers and men.

It will be remembered, that the order and promptness of our people, under such trying circumstances, in pressing the troops forward, was such as to call from the President special thanks, and to request me to express them to the people of the State.

During the year 1863 forty-three thousand and forty-six (43,046) men were furnished for the service, principally to fill regiments in the field which had been reduced by the exigencies of the war.

During the year 1864, under the various calls of the General Government, thirty-two regiments, two battalions and eight unattached companies of different arms of the service and for various periods, were organized and sent to the field, aggregating, with reenlistments in the field, amounting to 17,876, an aggregate force of 91,704 men, furnished for that year.

On my suggestion, the policy of consolidating our reduced regiments, and filling them up by the assignment of new companies was adopted, and in 1865, under this system, besides organizing three entire new regiments, seventy-five companies were assigned to reduced regiments, by which they were again filled to the regimental standard. These three new regiments and seventy-five companies, with volunteer recruits for regiments in the field, reported by the superintendents of that service, amounted, in the aggregate, to 25,790 men for this year.

In the month of September, 1862, after the second disaster at Bull Run, it became evident that the enemy had adopted an aggressive policy, and was about to invade the Northern States through Maryland and the southern border of Pennsylvania. Under the sanction



of the President of the United States, on the 11th day of that month, I issued my proclamation, calling into immediate service fifty thousand of the freemen of this State. Under this call twenty-five regiments and four companies of infantry, fourteen unattached companies of cavalry, and four batteries of artillery were immediately organized and sent to the border, the greater portion advancing beyond the State line into Maryland. Gen. John F. Reynolds, at that period commanding the Pennsylvania Reserve Corps, was temporarily assigned, by the Secretary of War, to the command of these troops, by whose order they were returned to Pennsylvania, and by my proclamation, disbanded on the 24th of the same month. In acknowledgment of the services rendered by the men of Pennsylvania, Major General M'Clellan, commanding the Army of the Potomac, by letter dated the 27th of September, 1862, acknowledging the service and thanking the State, uses the following language:

"The manner in which the people of Pennsylvania responded to your call, and hastened to the defence of their frontier, no doubt exercised a great influence upon the enemy," and the Governor of Maryland, His Excellency, A. W. Bradford, in an order dated September 29, 1862, used the following language in regard to these troops: "The readiness with which they crossed the border and took their stand beside the Maryland brigade, shows that the border is, in all respects, but an ideal line, and that in such a cause as now unites us, Pennsylvania and Maryland are but one."

In the month of June, 1863, it again became evident that the rebel army was advancing North, threatening also the western border of Pennsylvania, and on the 26th of that month, I again issued my proclamation, calling the militia of the State into immediate service. In the Department of the Monongahela, five regiments



of infantry, one company of cavalry and one battery of artillery, for ninety days' service, and one battalion of infantry, one battalion of cavalry and one battery of artillery, for six months' United States service, were organized. In the Department of the Susquehanna, twenty-three regiments and five unattached companies of infantry, and two unattached companies of cavalry, for ninety days; one battalion infantry, one battalion of cavalry, and four independent batteries of artillery, for three months; three regiments of cavalry, two battalions of infantry, and three independent batteries of artillery, for six months' United States service, were organized.

There were also organized in this department, for the "emergency term," eight regiments, one battalion and a number of unattached companies of infantry, two independent batteries of artillery, and two companies of cavalry.

In the Department of the Monongahela, the troops under this call, were commanded by Major General W. T. H. Brooks, and in the Department of the Susquehanna, by Major General D. N. Couch, severally detailed by the War Department.

The details of the services of the militia on these occasions, as well as the generous assistance rendered by the militia of the States of New York and New Jersey, have been fully recognized in previous messages.

Acting under orders, they did not hesitate to cross the State line and enter Ohio and Western Virginia, in the West; and in the East, they defended the line of the Susquehanna, were at Gettysburg, before the advance of the Army of the Potomac, defended Carlisle successfully, when attacked by a superior force, made long marches, patiently suffering great privations for the want of sufficient means of transportation, crossed into Maryland, when ordered, and attacked the



enemy successfully, and saved the Capital of their State from destruction. When the history of the rebellion is truly written, no part, which relates to Pennsylvania, will reflect more credit on the patriotism, courage and fidelity of her people, than their prompt answer to the call made for military service for domestic protection. It is a record of which the great body of the people are a party, and of which they may all be proud.

In July, 1864, a rebel army again crossed the Potomac, threatening the southern border, and marched to Washington.

Under the pressing demands of the National authorities, all the organized troops in Pennsylvania were immediately sent forward. The rebel army was defeated and driven back. A rebel column, of three thousand men, had, however, crossed the border, and, on the 30th of July, burned the town of Chambersburg. In my message of last year, I stated in detail the movements of the enemy, and the circumstances attending the destruction of that borough. Although the people of all the southern border suffered much from annual incursions of the enemy, Chambersburg is the only town entirely destroyed within our border, and, it is believed, in any loyal State.

The citizens of the town were suddenly reduced to poverty, and, for a time, were sustained by the active benevolence of the people of other parts of the State, aided by an appropriation of one hundred thousand dollars from the Commonwealth. They have struggled energetically to revive from this calamity, but it is now feared that few of them will be able to succeed. I submit, therefore, to the wisdom of the Legislature, whether it would not be proper to extend to that people some additional relief.

The numbers of troops furnished the service, from Pennsylvania during the rebellion, may be stated as follows, viz:



During the year 1861, .....	130,594
Do. do. 1862, .....	71,100
Do. do. 1863, .....	43,046
Do. do. 1864, .....	91,704
Do. do. 1865, .....	25,840
	<hr/>
	362,284
	<hr/> <hr/>

This statement is exclusive of militia and enlistments for the United States Navy.

I refer, for more perfect details of all the military operations of the State, to the reports of the Adjutant General, the other military departments of the State, and to my previous annual messages. This brief military record would be imperfect, if I failed to commend the fidelity, zeal and industry of the military departments of the State, and to express my personal obligations for the ready obedience and constant support I have uniformly received from the chiefs of the Departments, and officers of my personal staff.

An approximate judgment of the amount of labor performed by these departments, and in the office of the Secretary of the Commonwealth, may be made, when it is stated that over forty-three thousand (43,000) military commissions were issued during the war.

The first request for troops from this State was dated at Washington, on the 15th April, 1861, and on the 16th the telegraph announced to the War Department that over 4,000 men were at Harrisburg, awaiting marching orders.

It is our proud privilege to have it remembered, that the first military aid from the loyal States, which reached Washington, was the force of 460 Pennsylvanians, who arrived there on the 18th day of April, and that, when the Capital of the Nation was, the second



time threatened, after the battle of Bull Run, the regiments of the Pennsylvania Reserve Corps, were the first troops sent forward.

From the beginning of the war to its close, the State has never faltered in its support of the Government.

Proceeding in the strict line of duty, the resources of Pennsylvania, whether in men or money, have neither been withheld or squandered. The history of the conduct of our people in the field, is illumined with incidents of heroism worthy of conspicuous notice; but it would be impossible to mention them in the proper limits of a message, without doing injustice, or, perhaps making invidious distinctions. Arrangements are in progress to have a complete history of our regiments, such as has been contemplated and is provided for in an act of Assembly already passed; and on this subject I commend the report of the Executive Military Department to your favorable consideration. It would be alike impossible to furnish a history of the associated benevolence and of the large individual contributions to the comfort of our people in the field and hospital, or of the names and services, at all times, of our volunteer surgeons, when called to assist in the hospital or on the battlefield; nor is it possible to do justice to the many patriotic christian men who were always ready to respond when summoned to the exercise of acts of humanity and benevolence.

Our armies were sustained and strengthened in the field, by the patriotic devotion of their friends at home; and we can never render full justice to the heaven-directed, patriotic—Christian benevolence of the women of the State.

During the war I had occasion, from time to time, to communicate freely with the Legislature on subjects bearing upon the interests of the men representing the State in the armies of the Republic.

It is with a sense of unfeigned gratitude that I acknowledge how cheerfully and promptly the Legisla-



ture and the people acted upon my suggestions, whether for the support of the government, the enlistment and organization of troops, or for the comfort of our people already in the field.

Without this generous confidence and liberal support, the labors of the Executive would have been in vain; the treasure that has been expended would have been wasted, precious lives lost would have been an empty sacrifice, the bruised hearts of kindred and friends would have been without solace, the strong men, whose health has been broken and whose bodies have been maimed would have been monuments of heroism wasted, and the honor of this great Commonwealth would have been degraded amidst the fallen ruins of the institutions of the Republic.

The report of the Hon. Thomas H. Burrowes, shows the gratifying result, under his active management, of the system adopted by the State, for the maintenance and education of the orphans of our soldiers. His report exhibits the fact, that 1,242 orphans are now actually admitted to the schools, and that 1,846 applications in all have been allowed, and orders issued for their admission, many of whom have been admitted since his report. It will also be seen, that the largest appropriation that ever will be required, will be for this and the two ensuing years, and that then the amount will be gradually reduced. I have heretofore commended this charity to you, and I deem it unnecessary to add another word, in asking a continuation of an appropriation, which is to provide for and educate the best blood of the State, and support the living legacies which have been bequeathed us by the men who laid down their lives for the country. When we remember that every sort of public and private pledge that the eloquence of man could devise or utter, was given to our soldiers as they went forward, that if they fell, their orphans should become the children of the



State, I cannot for an instant suppose, that you will hesitate to continue an appropriation, which is to bless their little ones, providing comfortable homes, instead of leaving them in want and destitution, many of them to fall victims to vice and crime.

At the time of the invasion of the North, in 1863, by the rebel army, the President made a requisition on me for militia to serve during the emergency. The men came forward promptly to the number of 36,588, of whom upwards of 25,000 refused to be mustered into the service of the United States, in consequence of circumstances of prior occurrence not necessary to be here stated.

In this embarrassment, the emergency being very pressing, after consultation with the President, he authorized and requested me to call them on behalf of the State, and for the defence of the State, the United States paying all the expenses of their clothing, equipment, subsistence, &c. It was, however, alleged that there was no appropriation for their pay. To remove this difficulty the General Government applied to banks and other moneyed corporations in Philadelphia to advance the amount of the pay, on a pledge that, when Congress met, the passage of a bill to reimburse them should be recommended. These institutions declined this proposition, but expressed their willingness to make the advances if I would pledge myself to recommend to the Legislature the passage of such an act in case Congress should not provide for reimbursing them. Under these circumstances, I received from the Executive of the United States the pledge which he had proposed to give to the banks, &c., and upon that I gave the necessary pledge to them, and they advanced the required funds accordingly. The following telegram from the Secretary of War will show in part the ground on which I acted:



Washington, July 22, 1863.

To His Excellency, Gov. A. G. Curtin:

Your telegrams, respecting the pay of militia called out under your proclamation of the 27th of June, have been referred to the President for instructions, and have been under his consideration. He directs me to say that, while no law or appropriation authorizes the payment by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If, in the meantime, you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it.

Measures have been taken for the payment of troops mustered into the United States service, as soon as the muster and pay-rolls are made out. The answer of this Department to you, as Governor of the State, will be given directly to yourself whenever the Department is prepared to make answer.

(Signed)

EDWIN M. STANTON,  
Secretary of War.

When Congress met, the Executive of the United States did not recommend the passage of the necessary act. I have understood that the subject was called to the attention of the proper committee, by the Secretary of War, but, as the President did not send a message explaining the circumstances of the case, the appropriation failed, as the members of Congress had thus no means of explaining to their constituents the difference between this case (which was in substance a loan to the United States, upon the pledge of the Executive for its re-payment), and the case of the voluntary expenditure of money for military purposes by Pennsylvania and most of the other States.

I will add that the men came into the service for the emergency only, and on the faith that they should be discharged as soon as, in my judgment, the emergency should have ceased. The emergency ceased imme-



diately after the battle of Gettysburg, which commenced on the 1st of July, 1863; yet the men, against my urgent and repeated remonstrances, were kept in the service long afterward and used by the United States for various purposes. The last of them were not discharged till in September.

I recommend that the Legislature adopt measures to bring the subject again before Congress, and obtain re-payment of this sum, amounting to \$671,476.43, with interest on the same, which the General Government has thus far so unwarrantably withheld.

Great injustice has been done to private soldiers, who went into service under the provisions of the act of Congress, by refusing to pay them the full bounties offered by the terms of that act. The following letter, which I addressed to the Secretary of War, sufficiently explains the position of this affair:

Executive Chamber,  
Harrisburg, Pa., June 5, 1865.

Sir: There are two subjects connected with the discharge of volunteers which are of so much importance that I feel justified in calling your attention to them.

First. The men are being paid only to the day of their arrival at the place they are to be discharged. This will cause them to lose a few days' pay, depending principally upon the promptness and disposition of the officers of the United States having the matter in charge. It is a matter of little moment to the Government, but the men feel it to be an injustice, and if, under the acts of Congress, they can be paid until discharged, I think you will agree with them.

Second. In Circular No. 29 from Provost Marshal General's Office, dated July 19, 1864, "under which the volunteers now to be discharged were raised," it is stated that the bounty provided by law is as follows:

"For recruits, including representative recruits, white or colored, \$100."



And it is further added, that the first instalment of the bounty will be paid when the recruit is mustered in, as follows:

“To a recruit who enlisted in the army for one year, \$33.33.”

On these terms the men enlisted, and they are of opinion that they are entitled to the remainder of their bounty when discharged from service.

It is proposed, however, to pay them but a part of this remainder, because the Government does not require their services for the full term of their enlistment, and appears to be a breach of the contract between the Government and the men. The bounty was held out by the Government as an inducement to enlist, not as additional pay for services to be rendered. The men became entitled to it by the fact of enlistment, and could only forfeit what remained unpaid by some misconduct, of which such forfeiture should be a legal penalty. These matters are creating much unpleasant feeling among the men. I need not say to you, they have behaved gallantly, and the country owes them everything; and if it can possibly be avoided, they ought not to be sent home under the feeling that the Government, when their services are no longer required, takes the first opportunity to treat them unjustly and violate its contract with them.

I assure you that unless these difficulties are relieved there will be created a general discontent which will be injurious hereafter; and it is my fervent desire for the success of your administration which leads me to bring them directly to your notice.

Very respectfully,

Your obedient servant,

A. G. CURTIN.

To the President.



The refusal has been persisted in, under an opinion of the Attorney General of the United States, a copy of which was sent to me.

I recommend that the Legislature make proper efforts to have this injustice corrected.

The report of David Wills, Esq., president of the Soldiers' National Cemetery, at Gettysburg, herewith transmitted, shows the present condition of the cemetery. As the battle of Gettysburg resulted in a glorious victory, and was in fact the beginning of the end of the war, and occurred on the soil of the Commonwealth, I think it would be well that it should be commemorated by an historical painting, to be placed in the Capitol of the State; and I recommend that the Legislature take measures for that purpose.

The State of Maryland has proposed to her sister States that they unite with her in establishing a cemetery for our soldiers who fell at Antietam. I herewith transmit copies of the Maryland statute, and other documents on this subject, and recommend the passage of an act heartily accepting the proposition of the State of Maryland. All the States having promptly and generously responded to our proposition to have a cemetery at Gettysburg, it would seem proper that we should reciprocate, and unite in this. The duty is more sacred when we remember that more of Pennsylvania's sons fell in that battle than those of any other State.

The report of the State Agent at Washington, herewith transmitted, shows that under his efficient management the claims of our soldiers are promptly examined and paid. Every effort has been made to apprise our officers and men that their claims will be collected by the State Agent (Col. Jordan), without expense to them; yet it is feared that many of them continue to employ private claim agents, whose fees bear heavily on the claimants.



Since my last annual message I have expended of the secret service fund, the sum of four thousand three hundred and thirty-three dollars and twenty cents, out of which I have paid my personal staff and other extraordinary expenses. No appropriation is required for the increase of this fund.

I invite your attention to the reports of the Military Departments of the State, to the report of the Superintendent of Common Schools, which exhibits the prosperous condition of our system of public education, and to the report of the Surveyor General, and recommend to your favorable consideration the many excellent suggestions made by that officer.

I commend to your earnest consideration the suggestions made by the Surgeon General in his report, herewith transmitted, on the propriety of legislation for the protection of our people, by proper sanitary measures, from the ravages of the cholera, which is now approaching our shores.

I commend to the wisdom of the Legislature the subject of providing for the relief of our many maimed and wounded soldiers. Possibly this might be done by continuing and enlarging the acts providing for boards of relief in the several counties. I recommend the adoption by the Legislature of this or some other plan for doing justice to the class of men in question.

By the joint resolution of May 16, 1861, authorizing me to give flags to our regiments, it was made the duty of the Executive to receive the flags when the regiments returned. This has not hitherto been done, inasmuch as they have not yet all been mustered out. As soon as this shall have taken place, the flags will be received with appropriate ceremonies, and I recommend that the Legislature make provision for causing them to be hung in the new Library.

I refer to the suggestion of Brigadier General Todd, Inspector General, on the subject of the militia. I am not prepared to make any recommendation on this sub-



ject, as I observe with great pleasure, that Congress is proposing to establish a uniform system throughout the United States.

The arsenal at Harrisburg is decaying and unsafe. The arms and munitions of the State there deposited are of the value probably of half a million of dollars. I recommend that provision be made for repairing it, or that a new arsenal be constructed in this vicinity, for the purpose of securing their preservation.

Since my last annual message, the late President of the United States has fallen a victim to the most foul and base assassination recorded in history. It will afford me pleasure and I will heartily unite with you in any expression of indignation at the crime, and of appreciation of the public virtue and services of its victim, Abraham Lincoln.

My uniform course during the late war, was to avoid the discussion of the policy of the General Government, while giving a hearty support to the National authorities in all their measures to suppress the rebellion. I shall continue to pursue the same course during the embarrassments necessarily connected with the entire restoration of the country. The principles expressed in the message of the President, at the commencement of the session of Congress, will receive my cordial support.

During the last five years the people have suffered deeply from the calamities of war. Thousands of her men have been slain, and others are maimed and broken. Almost every family has been stricken, and everywhere there are widows and orphans, many of them helpless and in poverty. It is a subject of sincere congratulation, that peace has at last returned.

I am not aware of the existence of any difficulty with other nations which may not be amicably adjusted, and therefore venture to express the hope that long years of tranquility and happiness are before us.

A. G. CURTIN.



To the Senate Nominating Wien Forney to be State Librarian.

Executive Chamber,  
Harrisburg, February 7, 1866.

Senators:

**I**N CONFORMITY WITH THE ACT OF THE General Assembly, approved the 25th day of January, A. D. 1854, I do hereby nominate, for the advice and consent of the Senate, Wien Forney, of Dauphin county, to be State Librarian, for the period of three years.

A. G. CURTIN.

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To the Assembly Approving an Act to Amend the Revenue Laws of the Commonwealth.

Executive Chamber,  
Harrisburg, February 28, 1866.

Gentlemen:

**I** HAVE APPROVED THE BILL, ENTITLED "AN Act to amend the revenue laws of the Commonwealth," because the first two sections, imposing taxes on bank stock, and railroad, canal and transportation companies, are, in my judgment, important to the welfare of this Commonwealth. And although there are provisions in this bill which are, some objectionable, and others susceptible of improvement, I do not doubt that on the defects being pointed out, the wisdom and patriotism of your honorable bodies will be effectually applied to remedy them.

In my recent annual message I used the following language: "Under these circumstances it may be possible, with entire safety to our finances, to reduce, or even repeal, the ordinary State tax of two and a half



mills on real estate. The tax of one-half mill, laid by the act of May 16, 1861, was by that act expressly pledged for the payment of the loan of \$3,000,000, thereby authorized, and of course cannot be repealed, or reduced, until that re-payment shall have been made. I recommend this subject to the careful and deliberate consideration of the Legislature, and if it should be found that the tax can be repealed, I recommend that all laws authorizing the levying of local taxes on bonds, mortgages, loans, and all property of that kind, be also repealed.

“Such a repeal would largely encourage the investment of capital in this State, and add immensely to the wealth of the State, while the local authorities would lose very little, as it is notorious, that from the difficulties of assessment, they receive very little from these sources.”

The fourth section of the bill, which I have now approved, repeals the whole State tax on real estate, including the tax of one-half mill specially laid by the act of 16th May, 1861, and by that act pledged for the payment of the principal and interest of the war loan of \$3,000,000, then about to be effected.

The third section substitutes for this one-half mill tax, so pledged, the tax on gross receipts of railroad, canal and transportation companies, imposed by the second section.

Notwithstanding this substitution, I regard the repeal of the one-half mill tax as a direct violation of the public faith, and I have approved this bill only in the belief and entire confidence that, on their attention being called to the subject, the Legislature will, by restoring the tax promptly, vindicate the honor of the Commonwealth, and thus maintain inviolate her obligations to the parties who cheerfully took the war loan at par, at a period of unequalled public danger and embarrassment. The re-enactment of this tax



will, of course, be accompanied by a repeal of the appropriation of the tax on gross receipts to the sinking fund, and I am bound to add that, in my judgment, the tax on gross receipts will be absolutely necessary towards defraying the ordinary expenses of government out of the current revenues, the tax of two and one-half mills on real estate, heretofore applicable to that purpose, having been taken off, and almost all the other revenues of the Commonwealth having been appropriated to the sinking fund, from which they cannot be diverted. It needs no argument to establish the principle, that the current revenues should always be sufficient for the ordinary expenses of government, no other basis being safe for that purpose.

The punctual payment of the tax on bank stocks, imposed by the first section, will also be necessary to furnish the means of supporting the government. As a large portion of this tax falls on the stock of the National banks, and thus might possibly ensue inconvenient litigation, the plan has been suggested of allowing the banks to receive interest at the rate of seven per cent. per annum. It is supposed that the grant of this privilege would probably induce them to pay the tax without objection.

I approve of this suggestion, especially as they are now invited to lend to the United States, at an interest of seven-thirty per cent., and the facility of doing so, of course tends to prevent them from lending to individuals at six per cent. To advance their interest to seven per cent. would probably induce them to increase their loans to persons in active business, and thus benefit the community. Before I recommend that this provision, and also the exemption of bank stock from local taxation, be made expressly conditional on the punctual payment, without litigation, of the tax imposed by the first section. Such an arrangement would be the more desirable, because as the National



banks are chartered, not by this Commonwealth, but by the United States, it would clearly be very difficult to compel their officers to act as agents for the collection of a State tax.

I venture again to invite the attention of the Legislature to the exemption of stocks, loans and moneys at interest, from local taxation, and the enactment of more stringent provisions for the due assessment of such property. The revenue of the State might be thus largely increased, that of counties and municipalities would scarcely be sensibly diminished, and capital would be attracted for investment within the Commonwealth.

Fellow citizens, with you, as the representatives of the people, rests the power and the responsibility of adjusting these most important affairs, and I do not doubt that you will so adjust them as to preserve the honor of the Commonwealth, provide effectually for the support of her Government, and, so far as may be consistent with these ends, ease the burthens of her people.

A. G. CURTIN.

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To the Assembly Vetoing "A Supplement to an Act Incorporating the Howard Iron and Coal Company."

Executive Chamber,  
Harrisburg, April 11, 1866.

Gentlemen:

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 421, entitled "A supplement to an act incorporating the Howard iron and coal company." with my objections to the same.



By its charter the Howard iron and coal company was authorized to hold three thousand acres of land, to mine and sell coal, and to build lateral or branch railroads not exceeding twenty miles in length.

By a supplement, which became a law on the 30th of January last, the company was further authorized to purchase, sell and dispose of minerals, and it has provided that it should be lawful for other corporations to subscribe stock in the same. This bill proposes to give the company the privilege of constructing ten additional miles of railroad. It seems impossible not to see that thus, bit by bit, supplements are designed for carrying into effect some scheme which it is afraid would not be approved of if understood. I object to such legislation. It appears to me that when parties apply to the Legislature for the grant of privileges, they ought to set forth fairly and candidly the use intended to be made of them. I have, therefore, for these reasons, withheld my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act Authorizing the Madera Coal and Improvement Company to Hold More Land and to Change the Par Value of Their Stock."

Executive Chamber,  
Harrisburg, April 11, 1866.

Gentlemen:

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 507, entitled "An Act authorizing the Madera coal and improvement company to hold more land, and to change the par value of their stock," with my objections to the same.

The original act incorporating the Madera coal and



improvement company authorizes them to hold five thousand acres of land, with authority to construct railroads from any point thereon. The present act authorizes them to acquire and hold, of coal rights and land, along the waters of Clearfield creek and its branches, ten thousand acres in addition, thus giving them the right to hold fifteen thousand acres of land (along the waters of Clearfield creek and its branches.) Clearfield creek and its branches extend into a number of the counties of this Commonwealth, and the right to hold such an unusual and large quantity of land (in itself objectionable), in the manner provided for in this bill, taken in connection with the privileges granted this company in their act of incorporation, and without being otherwise restricted than to such parts where they may hold land, would give them such an unusual grant of railroad privileges that great injustice might be done the citizens of this Commonwealth.

I therefore herewith return the same without my signature.

A. G. CURTIN.



Proclamation of the Cancellation of One Million One Hundred and Fifty Eight Thousand and Nine Dollars of the Principal Debt of the Commonwealth Through the Commissioners of the Sinking Fund. 1866.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania, ANDREW G. CURTIN, Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas by the third section of the Act of the General Assembly of this Commonwealth, passed the twenty-second day of April, A. D. one thousand eight hundred and fifty-eight, entitled "An Act to establish a Sinking Fund for the payment of the Public Debt," it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund created by said act of the General Assembly, on the first Monday of September, A. D. one thousand eight hundred and fifty-nine, and on the same day annually thereafter, to report and certify to the Governor, the amount received under the said act; the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them: whereupon the Governor shall direct the certificate representing same to be cancelled, and, on such cancellation, issue his proclamation stating the facts, and the extinguishment and final discharge of so much of the principal of said debt.

And whereas Eli Slifer, J. F. Hartranft and W. H. Kemble, Commissioners of the Sinking Fund, in obe-



dience to the requirements of law, report and certify to me, that the debt of the Commonwealth of Pennsylvania, redeemed and held by them from the fourth day of September, A. D. one thousand eight hundred and sixty-five, to the third day of September, A. D. one thousand eight hundred and sixty-six, amounts to the sum of One million one hundred and fifty-eight thousand and nine dollars and sixty-two cents, made up as follows, viz:

Five per cent. loan of the Commonwealth, .....	\$845,356 97
Coupon loan, .....	312,000 00
Domestic creditors, .....	26 65
Relief notes cancelled, .....	626 00
	<hr/>
	\$1,158,009 62
	<hr/> <hr/>

Now therefore as required by the third section of the act of Assembly first above mentioned, I do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One million, one hundred and fifty-eight thousand and nine dollars and sixty-two cents of the principal debt of the Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this third day of September, in the year of our Lord one thousand eight hundred and sixty-six, and of the Commonwealth the ninety-first.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.



Proclamation of a Day of Thanksgiving.—1866.

Pennsylvania, ss.

(Signed.) A. G. Curtin.



**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylvan-  
ia, ANDREW G. CURTIN,  
Governor of the said Common-

wealth.

**A PROCLAMATION.**

Whereas it hath been the good and worthy custom of the Commonwealth to set apart annually a day for the special acknowledgment of the goodness of the Almighty, and for expressing by the whole people, at one time and with a common voice, the Thanks and Praise which throughout the year are springing from the hearts of men.

Therefore, I ANDREW G. CURTIN, Governor of the Commonwealth of Pennsylvania, do by this my Proclamation, recommend that the good people of the Commonwealth observe Thursday the 29th day of November next, as a day of Thanksgiving and Prayer, and to then assemble in their respective churches, and places of worship, and make their humble thank-offering to Almighty God for all His blessings during the past year.

For the abundant gathered fruits of the earth;

For the thus far continued activity of Industry;

For the general preservation of Health;

And especially for that in His Divine Mercy, He hath stayed the threatened Pestilence,

And moreover that they do beseech Him to continue unto us all His Blessings and to confirm the hearts of the People of these United States that by



the lawful force of their will, Deeds of good justice, wisdom and mercy may be done.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and sixty-six, and of the Commonwealth, the ninety-first.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—1866.

Pennsylvania, ss.

(Signed.) A. C. Curtin.



wealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania, **ANDREW G. CURTIN**, Governor of the said Common-

#### A PROCLAMATION.

Whereas, In and by an Act of the General Assembly of the Commonwealth passed second day of July, A. D. one thousand eight hundred and thirty nine, entitled "An Act relating to the Elections of this Commonwealth," it is made the duty of the Governor on the receipt of the returns of the election of the Members of the House of Representatives of the United States, by the Secretary of the Common-



wealth, to declare by Proclamation the names of the persons returned as elected in their respective Districts.

And Whereas the returns of the General Election held on Tuesday the ninth day of October last, in and for the several Districts for Members to serve in the House of Representatives of the Congress of the United States, for the term of two years, from and after the fourth day of March next have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, Whereby it appears that in the First District composed of the Second, Third, Fourth, Fifth, Sixth and Eleventh Wards in the City of Philadelphia, Samuel J. Randall has been duly elected. In the Second District composed of the First, Seventh, Eighth, Ninth and Tenth Wards in the City of Philadelphia, Charles O'Neil has been duly elected. In the Third District composed of the Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Wards in the City of Philadelphia, Leonard Myers has been duly elected. In the Fourth District composed of the Fourteenth, Fifteenth, Twentieth, Twenty-first, and Twenty-fourth Wards in the City of Philadelphia, William D. Kelley has been duly elected. In the Fifth District composed of the Twenty-second, Twenty-third and Twenty-fifth Wards in the City of Philadelphia and the County of Bucks, Caleb N. Taylor has been duly elected. In the Sixth District composed of the counties of Montgomery and Lehigh Benjamin M. Boyer has been duly elected. In the Seventh District composed of the counties of Chester and Delaware, John M. Broomall has been duly elected. In the Eighth District composed of the County of Berks, J. Lawrence Getz has been duly elected. In the Ninth District composed of the County of Lancaster, Thaddeus Stevens has been duly elected. In the Tenth District composed of the counties of Schuylkill and Lebanon, Henry S. Cake has



been duly elected. In the Eleventh District composed of the counties of Northampton, Carbon, Monroe, Pike and Wayne, Daniel M. Van Auken has been duly elected. In the Twelfth District composed of the counties of Luzerne and Susquehanna, Charles Denison has been duly elected. In the Thirteenth District composed of the counties of Bradford, Wyoming, Sullivan, Columbia and Montour, Ulysses Mercur has been duly elected. In the Fourteenth District composed of the counties of Northumberland, Union, Snyder, Juniata and Dauphin, George F. Miller has been duly elected. In the Fifteenth District composed of the counties of Cumberland, York and Perry, A. J. Glossbrenner has been duly elected. In the Sixteenth District composed of the counties of Adams, Franklin, Fulton, Bedford and Somerset, William H. Koontz has been duly elected. In the Seventeenth District composed of the counties of Cambria, Blair, Huntingdon and Mifflin, Daniel J. Morrell has been duly elected. In the Eighteenth District composed of the Counties of Centre, Clinton, Lycoming, Tioga, and Potter, Stephen F. Wilson has been duly elected. In the Nineteenth District composed of the Counties of Erie, Warren, McKean, Forest, Elk, Cameron, Jefferson and Clearfield, Glenni W. Scofield has been duly elected. In the Twentieth District composed of the counties of Crawford, Venango, Mercer and Clarion, Darwin A. Finney has been duly elected. In the Twenty-first District composed of the counties of Indiana, Westmoreland and Fayette, John Covode has been duly elected. In the Twenty-second District composed of that part of Allegheny County South of the Ohio and Allegheny rivers, including Neville Island, Jas. K. Moorhead has been duly elected. In the Twenty-third District composed of that part of Allegheny County North of the Ohio and Allegheny Rivers and Butler and Armstrong Counties, Thomas Williams has been duly elected. In the Twenty-fourth District composed



of the Counties of Lawrence, Beaver, Washington and Greene, Geo. V. Lawrence has been duly elected.

Now therefore, I ANDREW G. CURTIN, as aforesaid, have issued this my Proclamation, hereby publishing and declaring that Samuel J. Randall, Chas. O'Neil, Leonard Myers, William D. Kelley, Caleb N. Taylor, Benjamin M. Boyer, John M. Broomall, J. Lawrence Getz, Thaddens Stevens, Henry L. Cake, Daniel M. Van Auken, Charles Denison, Ulysses Mercur, Geo. F. Miller, A. J. Glossbrenner, Wm. H. Koontz, Daniel J. Morrell, Stephen F. Wilson, Glenni W. Scofield, Darwin A. Finney, John Covode, Jas. K. Moorhead, Thomas Williams, and Geo. V. Lawrence have been returned as duly elected in the several Districts before mentioned as Representatives in the Congress of the United States, for the term of Two years to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-seventh day of November in the year of our Lord one thousand eight hundred and sixty-six, and of the Commonwealth the ninety-first.

By the Governor.

Eli Slifer,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1867.

Gentlemen:

**WE HAVE REASON TO BE THANKFUL TO GOD** for the blessings of peace, abundant crops, that industry has been rewarded, and that thus the Commonwealth has been able to do her full duty to herself, to the country and posterity.

The condition of our finances is as follows:

Balance in Treasury November 30,

1865, ..... \$2,373,668 14



Receipts during fiscal year ending No- vember 30, 1866, .....	5,829,668 54
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Total in Treasury for fiscal year ending November 30, 1866, .....	\$8,203,336 68
Payments for same period have been, ..	6,462,303 41

Balance in Treasury, December 1, 1866,	\$1,741,033 27
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Amount of the public debt as it stood on the first day of December, 1865,..	\$37,476,258 06
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Amount reduced at the State Treasury, during the fiscal year ending Nov. 30, 1866, 5 per cent. loan, .....	\$1,828,553 25	
4½ per cent. loan, .....	25,000 00	
Relief notes, .....	626 00	
Domestic creditors' certifi- cates, .....	26 65	
		1,854,205 90

Public debt December 1, 1866, ....	\$35,622,052 16
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To wit, funded debt:

6 per cent loan, .....	\$400,630 00
5 per cent. loan, .....	32,073,192 59
4½ per cent. loan, .....	213,200 00
6 per cent. loan, military, per act May 15, 1861, .....	2,820,750 00
Unfunded debt, relief notes in circula- tion, .....	96,625 00
Interest certificates outstanding, .....	13,086 52
Do unclaimed, .....	4,448 38
Domestic creditors' certificates, .....	119 67

	\$35,622,052 16
--	-----------------



Assets in Treasury:	
Bonds Pennsylvania railroad company,	\$6,600,000 00
Bonds Philadelphia and Erie Railroad company, .....	3,500,000 00
Interest on bonds of Philadelphia and Erie railroad company, .....	1,225,000 00
Cash in Treasury, .....	1,741,033 27
	<hr/>
	\$13,086,033 27
Liabilities in excess of assets, .....	22,536,018 89
	<hr/>
	\$35,622,052 16
	<hr/>
Liabilities in excess of assets, Novem- ber 30, 1861, .....	\$28,148,060 36
Liabilities in excess of assets, Novem- ber 30, 1866, .....	22,536,018 89
	<hr/>
Improvement in Treasury since 1861,	\$5,612,041 47
	<hr/>

The extraordinary expenditures, during the war and since its close, in payments growing out of it by authority of acts of Assembly, have amounted to upwards of five millions of dollars, which, added to the actual payment of the indebtedness of the State, and money in the Treasury for that purpose, shows the revenues, above the ordinary expenditures, to have amounted to \$10,612,000, which would all have been applied to the payment of the debt of the Commonwealth in the last six years. A careful attention to the revenues of the Commonwealth, with such just and prudent changes as may be required in the future, and a wise economy in expenditure, will, in my judgment, ensure the entire payment of the public debt, within the period of fifteen years.

The time fixed for the redemption of \$23,108,626.24



of the indebtedness of the Commonwealth having expired, I recommend that provision be made for its redemption, by making a new loan for that purpose, payable at such periods as the prospective revenues will justify.

I recur with much satisfaction, to the wisdom, prudence and economy of the representatives of the people, in the management of the finances of the Commonwealth, during a period of much embarrassment, uncertainty and distress, and congratulate you and them on the near approach of the entire liquidation of the public debt.

Since my last Annual Message, I have drawn from the Treasury, two thousand dollars of the fund placed in the hands of the Governor for secret service and other extraordinary expenses, which I have expended in payment of my personal staff, and for other purposes, as heretofore, except five hundred and sixty-three dollars and forty-eight cents, which I have returned into the Treasury.

I present, for your consideration, the amendments to the Constitution of the United States, proposed to the Legislatures of the several States by a resolution of both Houses of Congress, passed on the 16th day of June last. I was glad that it was possible, without delaying the final adoption of these amendments, to ascertain the opinion of our people upon them, at the general election, in October last. By the election of a large majority of members openly favoring and advocating the amendments, that opinion seems to me to have been abundantly expressed. Indeed, the amendments are so moderate and reasonable in their character, that it would have been astonishing if the people had failed to approve them. That every person, born in the United States, and free, whether by birth or manumission, is a citizen of the United States, and that no State has a right to abridge the privileges



of citizens of the United States—these are the principles which were never seriously doubted anywhere, until after the insane crusade in favor of slavery had been for some time in progress. What is called the decision of the Supreme Court of the United States, in the Dred Scott case, has made it expedient and proper to re-assert these vital principles in an authoritative manner, and this is done in the first clause of the proposed amendments.

The right of prescribing the qualifications of voters is exercised by the respective States, under the Constitution of 1789; three-fifths of the slaves were counted in ascertaining the representative population of the several States. The amendment to the Constitution abolished slavery in all the States and Territories. Though it was formerly otherwise in most, if not all, of the old Southern States, yet for many years past free Negroes have not, in any of these, been permitted to vote. At present, therefore, the late slave States would be entitled to count the whole of their former slave population, as a basis for representation, instead of three-fifths thereof. That is to say, they would have in the existing ratio about twenty more members of Congress than they had before slavery was abolished, and the free States would lose the same number, making a difference of about forty members of Congress, or, say, one-sixth of the whole body. In other words, the treason of the rebellious States, the suppression of which has cost us so many hundreds of thousand of precious lives, and so many thousands of millions of treasure, would be rewarded by giving them a vast increase of political power. This absurdity, the second clause of the proposed amendments, designs to prevent, by the just, equal and moderate provisions, that in future, the representative population of each State shall be ascertained by making a proportionate deduction from the whole population



thereof, if its laws exclude from the privilege of voting, any male citizens, not criminals, of the age of twenty-one years. I have yet to learn that any plausible objection can be offered to such a provision.

The third clause of the proposed amendments excludes from Congress, and from the College of Electors, and from all offices, civil and military, of the United States, or of any State, persons who, as functionaries of the United States, or as Executive or Judicial officers of any State, have heretofore sworn to support the Constitution of the United States, and afterwards violated their oath by engaging in rebellion against the same, unless Congress by a vote of two-thirds, shall have removed the disability of any such persons.

The fourth clause affirms the validity of the debt of the United States, and prohibits the assumption or payment of the rebel debt, or of any claims for the loss or emancipation of any slave.

The fifth clause provides that Congress shall have power to enforce the provisions of the other clauses by appropriate legislation.

That these wise and moderate provisions will meet the hearty approbation of the Legislature, I cannot doubt. If proposed by two-thirds of each House of Congress and ratified by three-fourths of the Legislatures of the States, the Constitution provides that they should stand as adopted amendments of that instrument.

A question has been raised whether the States lately in rebellion, and not yet restored to their privileges by Congress, are to be counted on this vote—in other words, whether those who have rebelled and been subdued shall be entitled to a potential voice in the question of the guarantees to be required of them for future obedience to the laws. So monstrous a proposition is, it appears to me, not supported by the words or



spirit of the Constitution. The power to suppress insurrection, includes the power of making provisions against its breaking out afresh. These States have made an unjust war upon our Common Government and their Sister States, and the power given by the Constitution to make war on our part, includes the power to dictate, after our success, the terms of peace and restoration.

The power of Congress to guarantee to every State a Republican form of Government, would cover much more cogent action than has yet been had.

The duty imposed upon Congress, to provide and maintain republican governments for the States, is to be accepted in the broadest meaning of the term. It is not a mere formal or unnecessary provision. The power was conferred, and the duty enjoined, to preserve free institutions against all encroachments, or the more violent elements of despotism and anarchy. And now that treason has, by rebellion, subverted the governments of a number of States, forfeiting for the people all the rights guaranteed by the Constitution, including even those of property and life, the work of restoration for these States rests with the National Government, and it should be faithfully and fearlessly performed.

By their passage by Congress, and the declaration of the people at the late elections, the faith of the nation is pledged to the amendments, and they will be fairly carried out, and their benefits given to the rebellious States. But when the amendments shall have passed into organic law, should the people lately in rebellion persist in their rejection, and in continued disobedience and the obstruction of the execution of the national laws, it will be an admonition to the nation that the animus and force of treason still exist among a people who enjoy none of the privileges of the government, save of its generous tolerance. With



their rejection, all hope of re-construction, with the co-operation of the rebellious States, on a basis that would secure to the Republic the logical results of war, will have vanished, and the duty must then devolve upon the government, of adopting the most effectual method to secure for those States the character of governments demanded by the Constitution.

They are without lawful governments—they are without municipal law, and without any claim to participate in the government.

On what principle of law or justice can the rebellious States complain, if after they have rejected the fair and magnanimous terms upon which they are offered brotherhood with us, and a participation in all the blessings of our freedom, and they have refused, if the government, in the exercise of its powers, should enter anew upon the work of re-construction at the very foundation; and then the necessity will be forced upon us to discard all discrimination in favor of the enemies of our nationality, to give us and them enduring freedom and impartial justice.

The Constitution has defined treason, and has given express power to suppress insurrection, by war, if necessary. It has not provided, in detail, the terms to be granted after such a war. How could it do so? It would probably not be contended by the wildest partisan, that these States had a right to be represented in Congress at a time when they were carrying on open war against the government, or that Congress was not then a lawful body, notwithstanding their exclusion. How then have they regained the right of representation? Surely not by simply laying down their arms when they could no longer hold them. The United States have a right, and it is their duty, to exact such securities for future good conduct as they may deem sufficient, and the offenders, from whom they are to be exacted, can have no right to participate



in our councils in the decision of the question of what their punishment shall be.

Practically, common sense determined the question of their right so to participate, when Congress proceeded in the enactment of laws, after the surrender of the last rebel military force. It was determined again, when the now pending amendments were proposed by Congress. If two-thirds of Congress, as now constituted, could lawfully propose those amendments, then three-fourths of the States, not excluded from representation in Congress, form a sufficient majority to effect their lawful adoption. It was determined again by the formal sanction of both the great political parties, when Congress, by an almost unanimous vote, declared the rebellious States without the right of representation in the Electoral College in 1864.

We ought to go on resolutely and rapidly, with all measures deemed necessary to the future safety of the country, so that all parts of it may, at the earliest day, be restored to just and equal political privileges.

The annual report of Hon. Thomas H. Burrowes, Superintendent of the maintenance and education of the soldiers' orphans, will exhibit the present condition and the result thus far of that undertaking. Nearly three thousand of the destitute children of the brave men who laid down their lives that the nation might live, are now not only comfortably provided for and guarded from temptation, but are receiving an education which will fit them to re-pay the care of the State.

The appropriation made for this purpose, at the last session, has been sufficient to meet all expenses of the financial year just closed. And I recommend whatever appropriation may be necessary, to continue and perfect the system under which the schools are conducted.

There can be no doubt that the appropriation will



be made. Were I to select any State interest which I would more warmly commend to your prompt attention and liberality than another, it would be this. All Pennsylvanians are proud of it, and it lies near the hearts of all true men.

Owing to the greater destitution and want of information on the part of their relatives, the orphans of our colored soldiers may require some special attention. Perhaps authority to the State Superintendent, to use, for a short time, the services of an agent, to ascertain their number and claims, and bring them into the schools that may be provided for them, will be sufficient. The whole number in the State is not large, of whom a few have already been temporarily provided for.

I recommend that provision be made for the maintenance of such of our soldiers as are in poverty, and have been so maimed as to prevent them from securing a livelihood by their labor, by renting buildings at once, or such other means as you may deem wise and proper, until arrangements proposed by the National Government for their support are completed. They are probably few in number, and it is due to the character of the Commonwealth, that they should not remain in, or become the inmates of, poor houses, or pick up a precarious subsistence by begging. Patriotic and charitable citizens have done much for them, but speedy and proper relief can only be given them by the systematic and continued benevolence of the Commonwealth. The Legislature can alone afford immediate relief to all of this class of our citizens, and in thus exhibiting gratitude to heroic and faithful men, who did so much for the country, the burden will fall equally on all her people.

By our existing laws, juries are selected by the sheriff and commissioners of the respective counties. As these officers are generally of similar political af-



finities, the system has always been in danger of being abused for partisan purposes. During the last six years, it has been frequently so abused, in many of the counties.

To secure, as far as possible, the administration of equal justice hereafter, I recommend that jury commissioners shall be elected in each county, in the same manner as inspectors of elections are chosen, each citizen voting for one jury commissioner, and the two persons having the highest number of votes to be the jury commissioners of the respective county, to perform the same duties, in the selection of jurors, that are now imposed upon the sheriff and county commissioners.

It is impossible to provide, in all respects, for the increasing and changing interests of our people, by the enactment of general laws, but to a large extent it is practicable to relieve the Legislature from special legislation which is demanded and occupies so much of its sessions. Special legislation is generally passed without due consideration, much of it at the close of the session, and is chiefly objectionable from the partiality with which powers and privileges are conferred.

I again recommend the passage of general laws, when it is at all practicable, and in this connection recommend the passage of a general law, regulating railroads now existing and the incorporation of new companies, so that so far as possible there may be just uniformity in the franchises granted, and equal facilities afforded to the people of all sections of the Commonwealth.

There are at this time, in the various prisons, a number of persons under sentence of death, some of them for many years, and as it has become a custom that an incoming Governor should not issue a warrant of execution in cases unacted on by his predecessor, it



not unfrequently happens that in many cases, some of which are recent, while some punishment should be inflicted, that of death may appear to the Executive to be too severe.

I earnestly repeat my recommendation heretofore made, that provision be made for the reception of such persons into the penitentiaries, who may be pardoned on condition of remaining a limited time therein.

I re-appointed Hon. C. R. Coburn, Superintendent of Common Schools, on the expiration of his term in June last, and he continued at the head of that Department until the first of November, when he resigned, and I appointed Col. J. P. Wickersham. It is due to Mr. Coburn to say, that he fulfilled all the duties of his office faithfully and efficiently. It appears from his report, that there were in the school year of 1865, 1,863 school districts in the State; 13,146 schools; 16,141 teachers, and 725,312 pupils, with an average attendance of 478,066. The total cost of the school system, for the entire State, including taxes levied and State appropriation, was for the year 1866, \$4,195,258.57. The increase in the number of school districts was 26; in the number of schools, 222; in the number of children attending school, 19,932; in the average attendance at school, 18,945, and in the total cost of the system, \$581,020.02. I invite your attention to the valuable suggestions made in his report, and that of Col. Wickersham, and commend our system of public instruction to the continued fostering care of the Legislature.

I herewith present the reports of Col. F. Jordan, Military Agent of the State, at Washington; of Col. H. H. Gregg, Chief of Transportation; of S. P. Bates, on military history of our volunteers; of trustees of the Soldiers' Gettysburg National Cemetery; of the proceedings and ceremony of the return of the flags, on the 4th of July, in the city of Philadelphia, and of Col. James Worrell, commissioner appointed under an



act relating to the passage of fish in the Susquehanna, and invite your attention to them, and the reports of the Surveyor General and Adjutant General.

The Agency at Washington should, in my judgment, be continued. It has proved very useful in all respects, and especially to our volunteers and their families.

Four thousand six hundred and ninety claims have passed through the Agency during the past year, and three hundred and eleven thousand seven hundred and three dollars has been collected from the Government and transmitted to the claimants free of charge.

It will be necessary to continue the office of Chief of Transportation, as there are unsettled accounts with railroad companies and the National Government, and duties to be performed in the removal and care of bodies of the dead, which require it. An additional appropriation will be required for this Department.

I earnestly recommend, in justice to the living and the dead, that our military history be pushed forward vigorously, and that money for that purpose be appropriated.

The trustees of the State Lunatic hospital represent that it is impossible for them to accommodate and care for the number of patients committed to them under the laws regulating admissions into the hospital, and earnestly recommend that provision be made for increased accommodation.

I need not say that the institution is carefully and economically managed, or to refer to the great good it has produced; and that I cordially unite in the statement and recommendations of the memorial herewith presented.

I invite your attention to the condition of the Arsenal.

It is too small—unsafe as a depository for the large amount of valuable military material to be kept in it,



and is, in all respects, inconvenient and not adapted to its purposes.

Much inconvenience was experienced during the war for want of sufficient room and safety, and I recommend that ground be procured and a new and commodious arsenal be erected in or near the Capital of the State.

Since the adjournment of the Legislature I drew my warrant on the Treasury for five thousand dollars, appropriated to the National Cemetery at Antietam, and appointed Major General Jno. R. Brooke, trustee to represent the State. Before the warrant was drawn I appointed Colonel Wm. H. Blair and Captain J. Merrill Linn, who examined the ground and made a full investigation, their report of which accompanies this message. It will be noticed that they report seven hundred and ninety-seven bodies of Pennsylvanians that will be removed into the cemetery, and recommend an additional appropriation, in which I most cordially unite.

I cannot close my last Annual Message, without renewing the expression of my gratitude to the freemen of the Commonwealth, for the hearty approval with which they have cheered the labors of the Executive Office. To have earned such approval by my official conduct, during the last six years, must always be a source of pride to myself and children. Without the consciousness that I was endeavoring to deserve their approval, and without the hope that I should succeed in attaining it, I must have sunk under the responsibilities of my position. It was only a reliance on Divine Providence, and the active, resolute and hearty support and zeal of the people, and their representatives, that encouraged me during the dark and terrible crisis through which the country has passed. I tried to do my duty to my country, and know I was at least faithful to her in her deep distress, and I conceived



that duty not to be limited to the merely putting of men into the field to suppress treason and rebellion, and maintain the national life, and doing of everything in my power to sustain the just war forced upon us. I felt also bound, as far as I could, to protect and promote the rights and comforts of our volunteers, after they had left the State, to aid and relieve the sick and wounded, and to care for the transmission, to their bereaved families, of the precious bodies of the slain, and the maintenance and education of their orphans as honored children of the country.

To have been the Chief Magistrate of this great Commonwealth, during the period through which we have passed, and to have earned and maintained (if indeed I have done so) the confidence and affection of her people and their representatives, are quite enough to satisfy the highest ambition, and in my retirement from the high trust given me, I pray God that the State may continue to grow in power and strength, and her people in prosperity and happiness.

A. G. CURTIN.

Executive Chamber,  
Harrisburg, January 2, 1867.

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To the Assembly Concerning the Compensation of  
Colonel C. M. Burton for His Services in Behalf  
of Sick and Wounded Pennsylvania Volunteers.

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

**I**N THE SUMMER OF 1862, AFTER THE BATTLES on the Peninsula, large numbers of sick and wounded Pennsylvania volunteers were carried to New York, where I found them in hospitals. Finding it necessary for their comfort, and to facilitate



their transportation to the State, I appointed Colonel C. M. Burton agent for that purpose. There were, at that time, some four or five thousand Pennsylvanians in and about the city of New York, and Colonel Burton gave them faithful attention, receiving supplies from the State, and friends at home, and in distributing them, and in having them transported to hospitals in the State, and to their homes. For five months he was almost constantly engaged in his work, and afterwards continued to perform any duty asked of him.

He expended over one thousand dollars, which has never been paid to him, nor has he ever received any compensation.

In consequence of his not pushing his accounts, and delays in settlements, there is now no fund from which payment can be made, and I recommend that an appropriation be made for that purpose.

I need not say that the State has, heretofore, responded to all demands of this character promptly, and that this claim is meritorious and should be paid.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the People's Savings Bank of Franklin."

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 798, entitled "An Act to incorporate the People's Savings Bank of Franklin," with my objections to the same.

The twenty-fifth section of the first article of the Constitution declares, that hereafter no corporate body



shall be created, renewed or extended, with banking or discounting privileges, without six months' previous notice of the intended application, in such manner as shall be provided by law," and the second section of the act of May 1, 1851, directs the manner in which the notice shall be given.

This bill confers banking and discounting privileges, and as no notice of the application was given, is clearly unconstitutional.

I have therefore withheld my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "A Further Supplement to an Act Entitled 'An Act to Incorporate the Kersery Oil and Mineral Company.' "

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 971, entitled "A further supplement to an act, entitled 'An Act to incorporate the Kersery oil and mineral company.' approved the 1st day of May, A. D. 1861."

The third section of this bill authorizes the president and treasurer of the company to issue bonds to an amount not exceeding seventy-five thousand dollars per mile, bearing interest at seven per cent. per annum, independent of the stockholders or directors, and without any limitation as to price at which they may be sold. And the second section repeals so much of the act of incorporation of the company, as requires the president and treasurer to be members of the board of directors.



Such unrestrained control over the credit and means of the corporation cannot be justified on any principle, and I cannot, therefore, approve this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the Hazleton Deposit Bank and Trust Company."

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

I HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 1590, entitled "An Act to incorporate the Hazleton Deposit Bank and trust company," with my objections to the same.

The twenty-fifth section of the first article of the Constitution declares, that "hereafter no corporate body shall be created, renewed or extended with banking or discounting privileges, without six months' previous notice of the intended application, in such manner as shall be provided by law," and the second section of the act of May 1, 1851, directs the manner in which the notice shall be given.

This bill confers banking and discounting privileges, and as no notice of the application was given, is clearly unconstitutional.

I have therefore withheld my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the City Deposit Bank and Trust Company of Scranton."

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 1381, entitled "An Act to incorporate the City Deposit Bank and trust company of Scranton," with my objections to the same.

The twenty-fifth section of the first article of the Constitution declares, that "hereafter no corporate body shall be created, renewed or extended, with banking or discounting privileges, without six months' previous notice of the intended application in such manner as shall be provided by law," and the second section of the act of May 1, 1851, directs the manner in which the notice shall be given.

This bill confers banking and discounting privileges, and as no notice of the application was given, is clearly unconstitutional.

I have therefore withheld my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Authorize James Y. Brady, Late a Justice of the Peace in South Mahoning Township, Indiana County, to Issue Process on His Dockets."

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 1818, entitled "An Act to authorize James Y. Brady, late a justice of the peace in South Mahoning township, Indiana



county, to issue process on his dockets," with my objections to the same.

This bill proposes to authorize James Y. Brady, late a justice of the peace, to retain his dockets and proceed to settle and conclude the unfinished business thereon, and for that purpose to issue process as if he were still a justice, during two years from the passage of this act.

The Constitution provides that justices of the peace shall be elected by the people, and, therefore, this bill, which, in effect, appoints Mr. Brady a justice of the peace for a limited purpose and time, is in conflict with the provisions of the Constitution above referred to.

I have therefore withheld my signature from this bill.

A. G. CURTIN.

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To the Assembly Vetoing "An Act to Incorporate the Miners' Deposit Bank and Trust Company."

Executive Chamber,  
Harrisburg, January 8, 1867.

Gentlemen:

[ HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 1439, entitled "An Act to incorporate the Miners' Deposit Bank and trust company," with my objections to the same.

The twenty-fifth section of the first article of the Constitution declares, that "hereafter no corporate body shall be created, renewed or extended with banking or discounting privileges, without six months' previous notice of the intended application, in such manner as shall be provided by law," and the second section of the act of May 1, 1851, directs the manner in which the notice shall be given.

This bill confers banking and discounting privileges,



Andrew Gregg Curtin.

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and as no notice of the application was given, is clearly unconstitutional.

I have therefore withheld my signature from this bill.

A. G. CURTIN.

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To the Senate Nominating James P. Wickersham  
Superintendent of Common Schools.

Executive Chamber,  
Harrisburg, January 2, 1867.

Senators:

**A** VACANCY HAVING OCCURRED IN THE OFFICE of Superintendent of Common Schools, by the resignation of Charles R. Coburn, Esq., on the 1st day of November, A. D. 1866, in accordance with the provisions of the act of the General Assembly of the 18th of April, A. D. 1857, separating the State and School Departments, I appointed Col. Jas. P. Wickersham, of the county of Lancaster, to be Superintendent of Common Schools of this Commonwealth, for the unexpired term of the said Charles R. Coburn, Esq., viz: Until the first Monday of June, A. D. 1869, subject to the advice and consent of the Senate of Pennsylvania.

A. G. CURTIN.



To the Assembly Concerning Certain Acts Approved  
by the Governor, with Documents Relating  
Thereeto.

Executive Chamber,  
Harrisburg. January 10, 1867.

Gentlemen:

ON THE ELEVENTH DAY OF DECEMBER  
last, I signed bills entitled "A supplement to  
the act incorporating the Susquehanna boom  
company, authorizing the erection of a dam, and al-  
lowing increase of tolls," and "An Act declaratory of  
the law relating to taking up lumber, and prohibiting  
the floating of loose saw-logs in the Susquehanna river,  
between the town of Northumberland and the line of  
the State of Maryland," and I have this day trans-  
mitted to the House of Representatives, where these  
bills originated, message giving my reasons for approv-  
ing the same, together with copies of certain papers  
relating thereto, which remain on file in the office of  
the Secretary of the Commonwealth.

A. G. CURTIN.







John W. Geary



**JOHN WHITE  
GEARY.  
Governor of the Common-  
wealth,  
1867-1873.**







### Chapter III.

JOHN WHITE GEARY,

Governor of the Commonwealth.

1867-1873.

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**I**T IS RARE THAT ONE MAN IS HONORED with the chief magistracy of two great Commonwealths. Governor M'Kean was Governor both of Delaware and Pennsylvania, and Governor Geary came to the curule chair of the Keystone State prepared by a term of service as Governor of Kansas, and with a record of having previously declined the Governorship of Utah. .

Born in Westmoreland county in 1819, young Geary's education being broken in upon by the death of his father, he opened a school to provide for his mother and to enable him later to complete his own education. Successful in both, he was duly graduated from Jefferson College, and, after a short experience of mercantile life, prepared himself for the profession of civil engineering, meanwhile studying law and being admitted to the bar. After some time passed in engineering work in Kentucky, he became Assistant Superintendent and Engineer of the Allegheny Portage Railroad.



Upon the declaration of war with Mexico in 1846, Mr. Geary raised a company called the "American Highlanders," in Cambria county. This company was later consolidated with the Second Pennsylvania, and he was commissioned as Lieutenant Colonel. He was wounded at the storming of Chapultepec, but continued in the service, succeeding to the Colonelcy of the regiment shortly after the surrender of the City of Mexico. In recognition of his service during the war, he was appointed, in 1849, Postmaster of San Francisco and Mail Agent for the Pacific coast, charged with the duty of establishing postal routes, making contracts for carrying the mails and appointing postmasters throughout the Territory. He had hardly organized his work and gotten his system into smoothly moving order when a political revolution caused him to be supplanted. A week had barely elapsed before he was elected First Alcade of the city, the office including the duties of Sheriff, Judge of Probate, Recorder, Notary Public and Coroner. To these duties were soon added those of Judge of First Instance with jurisdiction over practically all civil and criminal cases arising in the city. In 1850, the Mexican forms of government being superseded by American institutions, Colonel Geary was elected Mayor of the city, declining re-election. The health of his wife demanding his return to the East, he entered upon farming and stock raising in Pennsylvania.

In 1855 he was offered the governorship of Utah, but declined. He wished also to refuse a similar office in Kansas in 1856, but the President prevailed upon him to accept upon urgent considerations of civic loy-



alty. His administration there was characterized by singular success. Within a month he was able to suppress the active hostilities between the pro-slavery and anti-slavery parties, and to maintain peace. Upon the accession of Mr. Buchanan to the presidency, realizing that he should not have the support of the executive in his policy, he immediately resigned, and returned to his Pennsylvania home.

Upon the opening of the War of the Rebellion, he raised a regiment, the 28th Pennsylvania, and was commissioned its Colonel. He was promoted Brigadier General of Volunteers in 1862 and wounded at Cedar Mountain. Upon his return to duty he was assigned to the command of the Second Division of the Twelfth Corps, which he commanded at Fredericksburg, Chancellorsville, Gettysburg, Wauhatchie and Lookout Mountain, being wounded at Chancellorsville. He continued to command his division, then forming a part of the 20th Corps, during Sherman's march to the Sea, in course of which he participated in more than a dozen distinct engagements, and was appointed Military Governor of Savannah, at which time he was breveted Major General of Volunteers. He participated with his command in the grand review at Washington, after which he was mustered out and returned to his home.

He had hardly arrived, however, when the Republican party tendered him the nomination for the Governorship and elected him by a large majority, and three years later, he was re-elected, still with an ample majority. His administration was characterized by firmness, kindness and ability. He was strongly opposed to personal legislation and used the veto power



freely as evidence of his opinions. It was exceedingly appropriate that during his administration the State should have erected and dedicated upon the Capitol Grounds a monument to the heroes of the Mexican War.

Governor Geary, upon retiring from office, continued to reside in Harrisburg and began to arrange numerous plans for business enterprises, which, however, were brought to naught by his sudden death on the 8th of February, 1873. He was Governor of Pennsylvania from January 15, 1867, to January 21, 1873.



## Inaugural Address as Governor of Kansas.

Fellow Citizens:

**I** APPEAR AMONG YOU A STRANGER TO MOST of you, and for the first time have the honor to address you as Governor of the territory of Kansas. The position was not sought by me; but was voluntarily tendered by the present Chief Magistrate of the nation. As an American citizen, deeply conscious of the blessings which overflow from our beloved Union, I did not consider myself at Liberty to shrink from any duties, however delicate and onerous, required of me by my country. With a full knowledge of all the circumstances surrounding the Executive, I have deliberately accepted it, and as God may give me strength and ability, I will endeavor faithfully to discharge its varied requirements. When I received my commission I was solemnly sworn to support the Constitution of the U. S. and to discharge my duties as Governor of Kansas, with fidelity. By reference to the act for the organization of this Territory passed by Congress on the 30th day of March, 1854, I find my duties more particularly defined. Among other things I am "to take care that the laws be faithfully executed."

The Constitution of the United States and the organic law of this Territory will be the lights by which I will be guided in my executive career.

A careful and dispassionate examination of our organic act will satisfy any reasonable person that its provisions are eminently just and beneficial. If this act has been distorted to unworthy purposes, it is not the fault of its provisions. The great leading feature of that act is the right therein conferred upon the actual and bona-fide inhabitants of this territory "in the exercise of self government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution, and the laws duly enacted by Congress under it." The people, accustomed



to self-government in the States from whence they came, and having removed to this territory with the bona-fide intention of making it their future residence, were supposed to be capable of creating their own municipal government and to be the best judges of their own local necessities and institutions. This is what is termed "popular sovereignty." By this phrase we simply mean the right of the majority of the people of the several States and Territories, being qualified electors, to regulate their own domestic concerns, and to make their own municipal laws. Thus understood, this doctrine underlies the whole system of republican government. It is the great right of self-government, for the establishment of which our ancestors, in the stormy days of the Revolution, pledged "their lives, their fortunes and their sacred honor."

A doctrine so eminently just should receive the willing homage of every American citizen. When legitimately expressed and duly ascertained, the will of the majority must be the imperative rule of civil action for every law-abiding citizen. This simple, just rule of action, has brought out of chaos, and by a progress unparalleled in the history of the world, has made a few feeble infant colonies a giant confederated republic.

No man, conversant with the state of affairs now in Kansas, can close his eyes to the fact that much civil disturbance has for a long time past existed in this Territory. Various reasons have been assigned for this unfortunate condition of affairs, and numerous remedies have been proposed.

The House of Representatives of the United States have ignored the claims of both gentlemen claiming the legal right to represent the people of this Territory in that body. The Topeka constitution, recognized by the House, has been repudiated by the Senate. Various measures, each in the opinion of its re-



spective advocates, suggestive of peace to Kansas, have been alternately proposed and rejected. Men outside of the Territory, in various sections of the Union, influenced by reasons best known to themselves, have endeavored to stir up internal strife, and to array brother against brother.

In this conflict of opinion, and for the promotion of the most worthy purposes, Kansas is left to suffer, her people to mourn, and her prosperity is endangered. Is there no remedy for these evils? Cannot the wounds of Kansas be healed and peace be restored to all her borders?

Men of the North—men of the South—of the East, and of the West, in Kansas—you, and you alone, have the remedy in your hands. Will you not suspend fratricidal strife? Will you not cease to regard each other as enemies, and look upon one another as the children of a common mother, and come and reason together?

Let us banish all outside influences from our deliberations, and assemble around our council board with the Constitution of our country and the organic law of this Territory as the great charts for our guidance and direction. The bona-fide inhabitants of this Territory alone are charged with the solemn duty of enacting her laws, upholding her government, maintaining peace, and laying the foundation for a future Commonwealth. On this point let there be a perfect unity of sentiment. It is the first great step toward the attainment of peace. It will inspire confidence among ourselves and insure the respect of the whole country. Let us show ourselves worthy and capable of self government.

Do not the inhabitants of this Territory better understand what domestic institutions are suited to their condition—what laws will be most conducive to their prosperity and happiness—than the citizens of distant



or even neighboring States? This great right of regulating our own affairs and attending to our own business, without any interference from others, has been guaranteed to us by the law which Congress has made for the organization of this Territory. This right of self-government—this privilege guaranteed to us by the organic law of our Territory, I will uphold with all my might, and with the entire power committed to me.

In relation to any changes of the laws of the Territory which I may deem desirable, I have no occasion now to speak; but there are subjects to which I shall direct public attention at the proper time.

The territory of the United States is the common property of the several States, or of the people thereof. This being so—no obstacle should be interposed to the free settlement of this common property, while in a territorial condition. I cheerfully admit that the people of this territory, under the organic act, have the absolute right of making their municipal laws, and from citizens who deem themselves aggrieved by recent legislation, I would invoke the utmost forbearance, and point out to them a sure and peaceable remedy. You have the right to ask the next Legislature to revise any and all laws; and in the meantime, as you value the peace of the Territory and the maintenance of future laws, I would earnestly ask you to refrain from all violations of the present statutes. I am sure that there is patriotism sufficient in the people of Kansas to lend a willing obedience to law. All the provisions of the Constitution of the United States must be sacredly observed; all the acts of Congress having reference to this Territory, must be unhesitatingly obeyed, and the decisions of our courts respected. It will be my imperative duty to see that these suggestions are carried into effect. In my official action here, I will do justice at all hazards, influenced by no other considerations than the welfare of the whole



people of this Territory. I desire to know no section, no party, no North, no South, no East, no West—nothing but Kansas and my country.

Fully conscious of my great responsibilities in the present condition of things in Kansas, I must invoke your aid, and solicit your generous forbearance. Your executive officer can do little without the aid of the people. With a firm reliance upon Divine Providence, to the best of my ability, I shall promote the interests of the citizens of the Territory, not merely collectively, but individually; and I shall expect from them in return that cordial aid and support without which the government of no State or Territory can be administered with beneficent effect.

Let us all begin again anew. Let the past be buried in oblivion. Let all strife and bitterness cease. Let us all honestly devote ourselves to the true interests of Kansas; develop her rich agricultural and mineral resources; build up manufacturing enterprises; make public roads and highways; prepare amply for the education of our children; devote ourselves to all the arts of peace, and make our Territory the sanctuary of of these cherished principles which protect the inalienable rights of the individual, and elevate States in the sovereign capacities.

Then shall peaceful industry soon be restored; population and wealth will flow upon us; "the desert will blossom as the rose," and the State of Kansas will soon be admitted into the Union, the peer and the pride of her elder sisters.

JNO. W. GEARY.

Lecompton, Kansas,  
Sept., 1856.



## Inaugural Address to the Assembly of Pennsylvania.

Fellow Citizens:

**H**ONORED BY THE SELECTION OF THE SOVEREIGN people of my native State as their choice Chief Magistrate of the Commonwealth of Pennsylvania, it is with mingled feelings of humility and gratitude that I have appeared in the presence of my fellow countrymen, and before the Searcher of all Hearts, to take the solemn obligation prescribed as a qualification for that exalted station, "to support the Constitution of the United States and the Constitution of Pennsylvania, and to perform my official duties with fidelity."

Profoundly sensible of everything that is implied by this manifestation of the people's confidence, and more deeply impressed with the vast importance and responsibilities of the office, than elevated by its attendant honors, let it be our first grateful duty to return fervent thanksgivings to Almighty God for his constant providence and unnumbered blessings to us as a people; and especially mine to implore His aid and counsel in the discharge of civil trusts, who has been my shield and buckler amidst scenes of peril and death.

In addressing you on this occasion, in accordance with a custom originating with the Republican fathers, I propose briefly to express my opinion on such questions as concern our common constituency, and relate to our common responsibilities.

Like countries of the Old World, our nation has had its internal commotions. From the last of these we have scarcely yet emerged; and during which "War's desolation" passed over our land, leaving its blighting influences principally upon those unfortunate States whose people rebelled against the government; and notwithstanding the agonizing sacrifices of a great



civil war, the States that maintained the government and determined that the Union should be preserved, have constantly advanced in honor, wealth, population and general prosperity.

This is the first time that a change has occurred in the Executive Department of this State since the commencement of the war of the rebellion; a brief reference, therefore, to that conflict, and to its results, may not be inappropriate.

We have the consolation of knowing that the contest between the North and the South was not, on our part, one for ambition, for military renown, for territorial acquisition; nor was it for a violation of any of the rights of the South; but it was for the preservation of our own rights and privileges as men; and for the maintenance of justice, liberty and Union. The object of the South was avowedly the dissolution of the Union and the establishment of a confederacy based upon "the corner stone of human slavery." To have submitted to this on our part, and to have shrunk from a manly resistance under such circumstances, would have been deeply and lastingly degrading, and would have destroyed the value of the priceless legacy bequeathed to us by our fathers, and which we are obligated to transmit unimpaired to future generations. The patriotic and Union-loving people felt that the alternative was that of life or death to the Union; and under the auspicious guidance of Abraham Lincoln, that virtuous and patriotic Chief Magistrate, with the blessing of Him who directs the destinies of nations, after open action and arbitrary violence on the part of the South, the appeal to arms was made. We had a just cause, and our citizens approving it with a degree of unanimity heretofore unknown in this or any other country, left their various employments, their homes and all that was dear to them, and hastened with enthusiasm to the scenes where duty and



danger called, and as the surest pledge of their unswerving love and fidelity to the Union, they unhesitatingly offered their lives for its preservation. Nor was any other tribute withheld in providing the means necessary for the support of our fleets and armies. Nearly two millions of soldiers entered the field from time to time on different terms of enlistment. The citizens generally exhibited the highest degree of patriotism in the prompt payment of taxes, in their liberal contributions in the shape of loans to the government; and the world was astonished by the amounts expended in their benevolent care for the sick and wounded, through the agencies of the Sanitary and Christian Commissions and other charitable associations. More than six hundred sanguinary battles and skirmishes were fought, in which nearly three hundred thousand of our heroic defenders laid down their lives in their devotion to the nation—"for God and Liberty."

In every phase of this terrible conflict, Pennsylvania bore an honorable and conspicuous part. She contributed three hundred and sixty-six thousand three hundred and twenty-six volunteer soldiers to the rescue of the nation; and nearly every battlefield has been moistened with the blood, and whitened with the bones, of her heroes. To them we owe our victories, unsurpassed in brilliancy and in the importance of their consequences. To the dead—the thrice honored dead—we are deeply indebted, for without their services it is possible that our cause might not have been successful.

It is natural and eminently proper that we, as a people, should feel a deep and lasting interest in the present and future welfare of the soldiers who have borne so distinguished a part in the great contest which has resulted in the maintenance of the life, honor and prosperity of the nation. The high claims of the private soldiers upon the country are universally acknow



ledged, and the generous sentiment prevails that the amplest care should be taken by the government to compensate them, equally and generously, with bounties and pensions, for their services and sacrifices.

I desire that it may be distinctly understood that I do not speak of myself, in connection with this subject; but I am happy to avail myself of this opportunity to speak kind words for Pennsylvania's gallant private soldiers, and the noble officers who commanded them.

The generosity of the people of Pennsylvania to the Union soldiers has been imitated, but not equalled, by other States. There is something peculiar in the loyalty of Pennsylvania. She seemed to feel, from the first, as if upon her devolved the setting of a superior example. The fact that she carried upon her standard the brightest jewel of the Republic; that in her bosom was conceived and from her commercial capital was issued the Declaration of Independence, gave to her contributions, in men and money, and her unparalleled charitable organizations, all the dignity and force of a model for others to copy. The rebel foe seemed to feel that if he could strike a fatal blow at Pennsylvania, he would recover all his losses, and establish a resistless prestige in the old world. But thanks to Divine Providence, and to the enduring bravery of our citizen soldiers, the invasion of our beloved State sealed her more closely to the cause of freedom.

The result of the battle of Gettysburg broke the power of the rebellion, and although the final issue was delayed, it was inevitable from the date of that great event. That battle rescued all the other free States; and when the arch of victory was completed by Sherman's successful advance from the sea, so that the two conquerors could shake hands over the two fields that closed the war, the soldiers of Pennsylvania were equal sharers in this glorious consummation.



No people in the world's history have ever been saved from so incalculable a calamity, and no people have ever had such cause for gratitude towards their defenders.

And here I cannot refrain from an expression of regret that the General Government has not taken any steps to inflict the proper penalties of the Constitution and laws upon the leaders of those who rudely and ferociously invaded the ever sacred soil of our State.

It is certainly a morbid clemency and a censurable forbearance, which fail to punish the greatest crimes "known to the laws of civilized nations;" and may not the hope be reasonably indulged, that the Federal authorities will cease to extend unmerited mercy to those who inaugurated the rebellion and controlled the movements of its armies? If this be done, treason will be "rendered odious," and it will be distinctly proclaimed, on the pages of our future history, that no attempt can be made with impunity to destroy our Republican form of government.

#### SOLDIERS' ORPHANS.

And while we would remember "the soldier who has borne the battle," we must not forget "his widow and his orphan children." Among our most solemn obligations is the maintenance of the indigent widows, and the support and education of the orphan children, of these noble men who fell in defence of the Union. To affirm that we owe a debt of gratitude to those who have been rendered homeless and fatherless, by their parents' patriotic devotion to the country, is a truth to which all mankind will yield a ready assent; and though we cannot call the dead to life, it is a privilege, as well as duty, to take the orphan by the hand, and be to him a protector and a father.

Legislative appropriations have honored the living soldiers and entombed the dead. The people, at the ballot-box, have sought out the meritorious veterans,



and the noble spectacle is now presented of the youthful survivors of those who fell for their country, cherished and educated at the public expense. Even if I were differently constituted, my official duties would constrain me vigilantly to guard this sacred trust. But having served in the same cause, and been honored by the highest marks of public favor, I pledge myself to bear in mind the injunctions and wishes of the people, and if possible to increase the efficiency and multiply the benefits of the schools and institutions, already so creditably established, for the benefit of the orphans of our martyred heroes.

#### FREEDOM AND SLAVERY.

The infatuation of treason, the downfall of slavery, the vindication of freedom and the complete triumph of the government of the people, are all so many proofs of the "Divinity that has shaped our ends," and so many promises of a future crowned with success, if we are only true to our mission. Six years ago the spectacle of four millions of slaves, increasing steadily both their own numbers and the pride and the material and political power of their masters, presented a problem so appalling, that statesmen contemplated it with undisguised alarm, and the moralist with shame. To-day these four millions, no longer slaves, but freemen, have intermediately proved their humanity towards their oppressors, their fidelity to society, and their loyalty to the government, are peacefully incorporated into the body politic, and are rapidly preparing to assume their rights as citizens of the United States. Notwithstanding this unparalleled change was only effected after an awful expenditure of blood and treasure, its consummation may well be cited as the sublimest proof of the fitness of the American people to administer the government according to the pledges of the Declaration of Independence.

We have but to estimate where human slavery would



have carried our country, in the course of another generation, to realize the force of this commanding truth. And as we dwell upon the dangers we have escaped, we may the better understand what Jefferson meant when, in the comparative infancy of human slavery, he exclaimed, "I tremble for my country when I reflect that God is just!"

A simple glance at what must have been our fate had slavery been permitted to increase will be sufficient. In 1860 the slave population amounted, in exact numbers to three millions nine hundred and fifty-three thousand seven hundred and sixty. Taking the increase, 23.39 per cent., from 1850 to 1860, as the basis of calculation for every ten years, in 1900, they would have numbered at least upwards of nine millions. What Christian statesman, as he thanks God for the triumph of the Union arms, does not shudder at the terrible prospect presented by these startling figures?

But while there is cause for constant solicitude in the natural irritations produced by such a conflict, he is but a gloomy prophet who does not anticipate that the agencies which accomplishes these tremendous results, will successfully cope with and put down all who attempt to govern the nation in the interests of defeated ambition and vanquished treason.

The people of the conquering North and West have comparatively little to do but to complete the good work. They command the position. The courage of the soldier and the sagacity of the statesman, working harmoniously, have now sealed and confirmed the victory, and nothing more is required but a faithful adherence to the doctrines which have achieved such marvellous results.

#### EDUCATION OF THE PEOPLE.

The overthrow of the rebellion has changed the whole system of Southern society, and proportionately



affected other interests and sections. Demanding the enlightenment of millions, long benighted, it forces upon the North and West the consideration of a more perfect and pervading educational policy.

Much as we have boasted, and have reason to boast, of our common schools, we cannot deny, when we compare them with those of New England, and contrast them with the preparations for the education of the Southern people of all classes, that we have much to overcome, if we would equal the one, or stimulate the other. The recent convention of County School Superintendents of Pennsylvania exhibits some startling facts, which deserve the attention of the people and their representatives. Yet it is not by legislation alone that any people can be brought to understand their relations to each other as citizens. Their best instructors are themselves. However liberal the appropriations may be, if these are not seconded by that commendable spirit which impels the parent to impress upon the child the necessity of a sound moral and intellectual training, your representatives are generous, in vain. Everything depends upon the people; hence the great complaint, preferred by the convention of teachers, of shortness of terms in some districts, of the small attendance of enrolled scholars, of the employment of unqualified instructors, and of the want of proper school houses, results unquestionably not so much from the indifference of the State, as from the negligence of those who are invited to share and to enjoy the blessings of a cheap and admirable system of popular education. If my fellow-citizens will only recollect the difference between the opportunities of the present generation and those of their fathers, and how much is to be gained by a cultivation of modern facilities, they will require little exhortation to the discharge of duties which relate almost exclusively to themselves and to those nearest and dearest to them.



The importance of common schools, in a republican government, can never be fully estimated. To educate the people is the highest public duty. To permit them to remain in ignorance is inexcusable. Everything, therefore, should be encouraged that tends to build up, strengthen and elevate our State on the sure foundation of the education of the people. Every interest and industrial pursuit will be aided and promoted by its operations; every man who is educated is improved in usefulness, in proportion as he is skilled in labor, or intelligent in the professions; and is in every respect more valuable to society. Education seems to be essential to loyalty, for no State in the full enjoyment of free schools, ever rebelled against the government.

Pennsylvania should be the vanguard in the great mission of education. She should remember that as she has been the mother of States, she should also be the teacher of States. "The great problem of civilization is how to bring the higher intelligence of the community, and its better moral feelings, to bear upon the masses of the people, so that the lowest grades of intelligence and morals shall always be approaching the higher, and the higher still rising. A church purified of superstition solves part of this problem, and a good school system does the rest."

#### THE STATE MILITARY.

Nothing, after the education of the people, contributes more to the security of a State than a thorough military system. The fathers of the Republic, acting upon the instinct of preparing for war in time of peace, embodied this knowledge among the primary obligations of the citizen. Yet the rebellion found us almost wholly unprepared. Our confidence in our institutions was so firm that the idea of an attack upon them from any quarter, much less from those who had



been the "spoiled children" of the government, was never believed possible, however threatened. The first clash of arms found us equally undeceived and unorganized, and we very soon experienced that the contrivers of the great slave conspiracy had not only strengthened themselves by the stolen ships, arms and fortifications of the government, but had been for years designedly instructing their youth in the science of arms; and when the bloody tempest opened upon us they were ready to spring at the heart of the Republic, while the citizens in whose hands the government was left, were compelled to protect themselves and their country as best they could.

When we reflect upon the terrible sacrifices we endured to maintain our liberties, and anticipate that glorious period of our country when the whole continent will be dedicated to human freedom; and when the despotisms of the earth will construe our example into a standing threat against their tyranny, we cannot disregard the consideration of this important subject.

As before remarked, Pennsylvania contributed over three hundred thousand troops to the national cause. Deducting the loss of nearly thirty thousand by wounds and disease incurred in the field, what an immense army has been left to circulate among and to educate the mass of our population! Properly comprehending this thought, we have at once the secret of our past success, our present safety and our future power. It would be easy to create an emulation in the science of arms among the youth of the State, by proper organization, and to disseminate, in all our schools, that loyalty to the whole country, without which there can be no permanent safety for our liberty.

In their late report, the visitors to the West Point Military Academy, laid a significant stress upon the necessity of such preceptors, in the future, as would teach the students of that institution their first and



unavoidable obligations to the principles upon which the government itself reposes. The neglect of this kind of instruction was felt in almost every movement during the recent conflict; and it is not going too far to say that many who disregarded their oaths, and who drew their swords against the government that had educated and nourished them, found a meretricious consolation in the fact that they were permitted to cherish an allegiance to the State in which they were born, which conflicted with and destroyed that love of country which should be made supreme and above all other political obligations.

If, in our past and recent experience, there has been exhibited the valuable and splendid achievements of our volunteers in the national defence, there has also been shown the necessity for military skill, and that knowledge of, and familiarity with, the rules of discipline so essentially necessary in their prompt and effectual employment. In order, therefore, to make our military system effective, we should have particular regard for the lesson, that to prevent or repel danger, our State should always have a well disciplined force, prepared to act with promptness and vigor on any emergency; nor should we forget that it is impossible to tell how soon our warlike energies may again be required in the field.

#### HOME RESOURCES AND HOME LABOR.

In nothing have our trials during the war, and the resulting triumph to our arms, been so full of compensation, as in the establishment of the proud fact that we are not only able to defend ourselves against assault, but what is equally important, to depend upon and live upon our own resources. At the time the rebellion was precipitated upon us the whole business and trade of the nation was paralyzed. Corn in the



West was used for fuel, and the producer was compelled to lose not only the interest upon his capital, but the very capital he had invested. Labor was in excess, and men were everywhere searching for employment. Mills and furnaces were abandoned. Domestic intercourse was so trifling that the stocks of a number of the most important railroads in the country fell to, and long remained at, an average price of less than fifty per cent. But the moment danger to the Union became imminent, and the necessity of self-reliance was plainly presented as the only means of securing protection, and the gradual dispersion of our mercantile marine by the apprehension of the armed vessels of the rebels, the American people began to practice upon the maxims of self-defence and self-dependence. From having been, if not absolutely impoverished and almost without remunerative enterprise, depressed by unemployed labor and idle capital, all their great material agencies were brought into motion with a promptitude, and kept in operation with a rapidity and regularity, which relieved them from want, their country from danger, and excited the amazement of civilized nations.

Protection to the manufactures of the country, when rightly viewed, is merely the defence of labor against competition from abroad. The wages of labor in the United States is higher than those in any other country, consequently our laborers are the more elevated. Labor is the foundation of both individual and national wealth; and those nations that have best protected it from foreign competition, have been the most prosperous. It is clearly, therefore, the interest of the nation to foster and protect domestic industry, by relieving from internal taxation every sort of labor, and imposing such heavy duties upon all importations of foreign manufactured articles, as to prevent the possibility of competition from abroad. Not only should



individual enterprise and industry be thus encouraged, but all public works, a liberal and properly restricted general railroad system, and internal improvements of every kind, receive the fostering care and most liberal aid of the government. We are rich in everything necessary to meet our wants, and render us independent of every other country; and we have only to avail ourselves of our own resources and capabilities, to progress continually onward to a degree of greatness never yet attained by any nation. Our agricultural, mineral and manufacturing resources are unequalled, and it should be our constant study to devise and prosecute means tending to their highest development.

Why, then, should not the wisdom of government make available the teachings of experience, and at once legislate for the manifest good of the people? Why permit our manufactures to beg that they may live?

The government of Great Britain has, by her protective system, "piled duty upon duty," for more than one hundred and fifty years, and hence upon protection is founded her manufacturing supremacy. Yet her emissaries come to this country, and for sinister purposes, extol "free trade," speak scoffingly of "protection," and endeavor to persuade our people to believe and adopt the absurd theory, that "tariffs hinder the development of industry and the growth of wealth."

The great Republican party, in the Convention which nominated Abraham Lincoln, at Chicago, in 1860, as if preparing for the very war which most of our statesmen were at that period anxious to postpone, adopted a resolution, "which," to use the language of an eminent Pennsylvanian, "declared that the produce of the farm should no longer be compelled to remain inert and losing interest while waiting demand in distant markets; that the capital which daily took the form of labor power should no longer be allowed to go to waste; that the fuel which underlies our soil should



no longer there remain to be a mere support for foreign rails; that the power which lay then petrified in the form of coal should everywhere be brought to aid the human arm; that our vast deposits of iron ore should be made to take the form of engines and other machinery, to be used as substitutes for mere muscular force; and that all our wonderful resources, material and moral, must and should be at once developed. Such was the intent and meaning of the brief resolution then and there adopted, to be at the earliest practicable moment ratified by Congress, as proved to be the case when the Morrill tariff, on the memorable 2d of March, 1861, was made the law of the land. To that law, aided as it was by the admirable action of the Treasury in supplying machinery of circulation, we stand now indebted for the fact that we have, in the short space of five years, produced more food, built more houses and mills, opened more mines, constructed more roads than ever before, and so greatly added to the wealth of the country, that the property of the loyal States would this day exchange for twice the quantity of gold than could five years since have been obtained for all the real estate and personal property, southern chattels excepted, of the whole of the States and territories of which the Union stands composed."

If the principles of protection proved to be such a talisman in the time of war, shall we reject it in time of peace? If an answer were needed to this question, reference could be had to the repeated concessions to this principle by the recent free-traders of the South. Scarcely one of the ambitious men who led their unfortunate people into rebellion, but now freely admits that if the South had manufactured their own fabrics, on their own plantations, and cultivated skilled labor in their great cities, they would have been able to prolong their conflict with the government; and now to enjoy substantial, instead of artificial prosperity, they



must invoke the very agencies they had so long and so fatally disregarded. Words need not be multiplied upon this important theme, either to make my own position stronger, or to impress upon the people the value of adhering to a system which has proved itself worthy of our continued support, and of the imitation of its former opponents.

#### FINANCES.

The exhibit of the finances of the Commonwealth, as presented in the late annual message of my predecessor, and the report of the State Treasurer, is certainly very gratifying; and the flattering prospect of the speedy extinguishment of the debt which has been hanging, for so many years, like a dark cloud over the prospects of our State, combined with the hope that a reasonable reduction will be made in our habitual annual expenditures, will cheer the people onward in the pathway of duty.

Among the most delicate and important obligations of those in official positions, is a strict and faithful management of the public revenues and expenditures of the Commonwealth. Taxation should be applied where its burdens may be least felt, and where it is most just that it should be borne. Every resource should be carefully husbanded, and the strictest economy practised, so that the credit of the State shall be maintained on a firm and enduring basis, and the debt surely and steadily diminished, until its final extinguishment. Unnecessary delay in this would, in my opinion, be incompatible with our true interests.

That these expectations are capable of speedy and certain consummation, has already been demonstrated. The public improvements, the cause of our heavy debt, which seemed to be an incubus upon the prosperity of the State, so long as they were managed by her agents, have been sold; the tax on real estate has been



abolished, and considerable reductions have already been made of the State debt.

This important branch of the administration shall receive my constant and zealous attention.

#### EXECUTION OF THE LAWS.

The general and essential principles of law and liberty, declared in the Constitution of Pennsylvania, shall be watchfully guarded. It will be my highest ambition to administer the government in the true spirit of that instrument. Care shall be taken "that the laws be faithfully executed," and the decisions of the courts respected and enforced, if within their authorized jurisdiction. Influenced only by considerations for the public welfare, it is my imperative duty to see that justice be impartially administered. That merciful provision, the pardoning power, conferred upon the Executive doubtlessly for correcting only the errors of criminal jurisprudence, and securing justice, shall not be perverted to the indiscriminate protection of those who may be justly sentenced to bear penalties for infractions of the laws made for the security and protection of society. Those "cruelly" or "excessively" punished, or erroneously convicted, are alone entitled to its beneficent protection, and only such should expect its exercise in their behalf.

Whenever the people deem it expedient or necessary, from actual experience, to alter the laws, or to amend the Constitution, it is their undoubted right to do so, according to the mode prescribed within itself. I here repeat what I have said elsewhere, that "so long as the people feel that the power to alter or change the character of the government abides in them, so long will they be impressed with a sense of security and of dignity which must ever spring from the consciousness that they hold within their own hands a remedy for every political evil, a corrective for every governmental abuse and usurpation."



## THE NATIONAL SITUATION.

We are confessedly in a transition state. It is marvelous how prejudice has perished in the furnace of war, and how, from the very ashes of old hatreds and old parties, the truth rises purified and triumphant. The contest between the Executive and a Congress twice elected by substantially the same suffrages, a contest so anomalous in our experience as not to have been anticipated by the framers of the National Constitution, has only served to develop the remarkable energies of our people, and to strengthen them for future conflicts. That contest is virtually decided.

The victorious forces, physical and moral, of the patriotic millions, are simply pausing before they perfect the work of reconstruction. Twenty-six States have not only been saved from the conflagration of war, but have been crystalized in the saving. The un-restored ten, still disaffected and still defiant, seem to be Providentially delaying their return to the Union, so that when they re-enter upon its obligations and its blessings, they will be the better able to fulfil the one and enjoy the other. Their condition is a fearful warning to men and nations, and especially to ourselves.

Until slavery fell we did not fully understand the value of Republican institutions. Accustomed to tolerate, and in many cases to defend slavery, we did not feel that its close proximity, so far from assisting, was gradually destroying our liberties; and it was only when rebellion tore away the mask, that we saw the hideous features of the monster that was eating out the vitals of the Republic.

If we are now astonished and shocked at the exhibition of cruelty and ingratitude among those who, having inaugurated and prosecuted a causeless war against a generous government, and having been permitted to escape the punishment they deserve, are once more arrogantly clamoring to assume control of the



destinies of this great nation, how much greater cause would we have had for surprise had slavery been permitted to increase and multiply?

Boast as we may of our material and our moral victories, yet it is not true that there is no such thing as a Republican government in the ten States that began and carried on the war? There is not, to-day, a despotic State in Europe where the rights of the individual man are so defiantly trampled under foot, as in the sections which were supposed to have been brought into full submission to the government of the United States. But the disease has suggested its Providential cure.

The abhorrent doctrine, that defeated treason shall not only be magnanimously pardoned, but introduced to yet stronger privileges, because of its guilty failure, seems to have insisted upon, as if to strengthen the better and the contrasting doctrine, that a nation, having conquered its freedom, is its own best guardian; and that those who were defeated in honorable battle should be constrained to submit to all the terms of the conqueror.

The violators of the most solemn obligations, the perpetrators of the most atrocious crimes in the annals of time, the murderers of our heroic soldiers on fields of battle, and in loathsome dungeons and barbarous prisons, they must not, shall not, re-appear in the council chambers of the nation, to aid in its legislation, or control its destinies, unless it shall be on conditions which will preserve our institutions from their baleful purposes and influence, and secure republican forms of government, in their purity and vigor, in every section of the country.

That they are indisposed to accept such conditions, is manifest from their recent and even arrogant rejection of the proposed amendments of the national Constitution—amendments which are believed, by



many true and patriotic citizens and statesmen, to be too mild and generous.

They have, however, been fully considered by the people during the late elections, and approved by majorities so large as to give them a sanction which it would be improper to either overlook or disregard. And certainly in view of this fact, none of the late rebel States should be admitted to their former "practical relations" to the General Government, while they continue to oppose these amendments.

To the Congress of the United States, the heartfelt sympathies and overwhelming suffrages of the people have been generously given. They have fearlessly proclaimed their unequivocal verdict—"Well done good and faithful servants." Upon the deliberations and actions of Congress our present interests and future welfare all depend. In its firmness and courage the whole experiment of genuine republicanism is indissolubly involved. That this firmness and courage will be fully exhibited by its controlling majorities, in the origination and adoption of measures of wisdom and discretion, even more radical and decisive, if necessary, than those of the past, I entertain no doubt. Such measures will meet with my cordial approval. And I may well add, that while Pennsylvania will confide in a loyal Congress, she will not hesitate to sustain it with her entire influence and power.

That in the administration of the government I may err, is only what should be expected from the infirmities of the human mind; but as I enter upon the discharge of my responsible duties with a firm resolution to act with honesty and impartiality, I trust my errors will be regarded with charity and treated with the gentleness of magnanimous forgiveness.

And I earnestly hope that my intercourse with my fellow-citizens of the Senate and House of Representatives will be so frank and cordial, that our duties to a



common constituency will be pleasantly and faithfully discharged. Different branches of the government as we are, with distinctive duties, we are nevertheless parts of one organized and well regulated system, and as we co-operate or disagree the interests of the State will probably be promoted or retarded. Elected by the people, desirous to promote the welfare of every citizen, mere party differences should not be allowed to interfere with the maintenance of a generous, true and comprehensive public policy.

It was the illustrious Washington, equally distinguished as a warrior and a statesman, who gave utterance to the declaration, "that the propitious smiles of Heaven cannot be expected on a nation that disregards the eternal rules of order and right;" and Jefferson also asserted that "whatever is morally wrong cannot be politically right." These utterances express my deepest convictions of the rules and principles which should permeate and control all governments. Let us, fellow-citizens, adhere to them, be governed by them, and our efforts will be happily united in surrounding the institutions of our State, as well as those of our nation, with a rampart of truth that will repel the madness of ambition, the schemes of usurpation, and successfully resist the changes and agitations of all coming time.

JOHN W. GEARY.



To the Speaker of the Senate Giving Notice of the  
Appointment of Benjamin Harris Brewster, At-  
torney General.

Executive Chamber,

Harrisburg, January 17, 1867.

To the Hon. Louis W. Hall,

Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania, that on the 16th day inst., I ap-  
pointed and commissioned Benjamin Harris  
Brewster, Esquire, of the city of Philadelphia, to be  
Attorney General of the State of Pennsylvania.

I have the honor to be, Sir,

Your obedient servant,

JOHN W. GEARY,

Governor.

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To the Speaker of the Senate Giving Notice of the  
Appointment of Francis Jordan Secretary of the  
Commonwealth.

Executive Chamber,

Harrisburg, January 17, 1867.

To the Hon. Louis W. Hall,

Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania, that on the 16th inst., I appointed  
and commissioned Francis Jordan, Esquire, of  
the county of Bedford, to be Secretary of the Com-  
monwealth, agreeably to the eighth section of the sec-  
ond article of the Constitution.

I have the honor to be, Sir,

Your obedient servant,

JOHN W. GEARY,

Governor.



To the Assembly Vetoing "An Act to Incorporate the Sisters of Mercy in the City of Philadelphia."

Executive Chamber,  
Harrisburg. February 18, 1867.

Gentlemen.

I HEREWITH RETURN, WITHOUT MY APPROVAL, to the Senate, in which it originated, bill No. 21, entitled "An act to incorporate the Sisters of Mercy in the city of Philadelphia."

The objects of this enactment are clearly defined in the second section, as follows:

"Section 2. The essential objects of the said corporation shall be the relief and support of the sick, destitute and dependent persons, the maintenance of orphans, and the care and education of youth."

The ninth section of the eleventh article of the Constitution of this Commonwealth declares: "No bill shall be passed by the Legislature, granting any powers or privileges, in any case, where the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."

The thirteenth section of the act approved 13th October, 1840, expressly authorizes the courts of common pleas of the several cities and counties to incorporate associations "for any literary, charitable or religious purpose \* \* or beneficial society or association."

In my judgment, this bill is most clearly within the constitutional prohibition before cited, and cannot, therefore, receive my approval. The objects contemplated are meritorious, and meet my cordial approbation, but the ends sought cannot be obtained in a manner prohibited by the supreme law of the State.

It has become too common of late to insert some proviso, or other clause, in bills of this character, con-



ferring some right or privilege not conferred by the general law, or by the courts, and to contend that the bill should be made an exception. This cannot be permitted; for it must be apparent that such a course would result in the entire nullification of that clause in the Constitution. If special powers or privileges, not within the jurisdiction of the courts, are needed, they can be claimed in bills for the purpose, unencumbered with provisions for other powers and privileges which the courts have the right to confer, and they will be duly considered. But I cannot approve part of a law, and disapprove another part; and hence, in such case, my regard for the Constitution leaves me no alternative but to veto the whole.

I am the less reluctant to withhold my approval, in view of the fact, that the courts of the State have repeatedly held that bills passed in violation of that clause of the Constitution now under consideration, are null and void, and confer no powers on the corporators. It is better for all concerned, that such legislation be arrested at once, before innocent parties have been induced, on the faith of such enactments, to invest their money.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Catholic Philopatrian Institute of Philadelphia."

Executive Chamber,  
Harrisburg. February 18, 1867.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, to the Senate, in which it originated, bill No. 19, entitled "An Act to incorporate the Catholic Philopatrian institute of Philadelphia." The bill is substantially the same as Senate bill No. 21, to incor-



porate the Sisters of Mercy in Philadelphia, and is liable to the same objections; and I respectfully refer to my message of this date, returning the latter, for my reasons for withholding approval from this.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Brokers' Beneficial Association of Philadelphia."

Executive Chamber,  
Harrisburg, February 18, 1841.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, to the Senate, in which it originated, bill No. 67, entitled "An Act to incorporate the Brokers' beneficial association of Philadelphia." It appears from both the title and the face of this bill that it is merely a charitable and beneficial association, which the courts of common pleas have ample power to incorporate, under the thirteenth section of the act of 13th October, 1840.

It is therefore in violation of the ninth section of the eleventh article of the Constitution, and for the reasons for withholding my approval, I respectfully refer the Senate to my message of this date, returning with my objections, Senate bill No. 21, entitled "An Act to incorporate the Sisters of Mercy, in the city of Philadelphia."

JNO. W. GEARY.



To the Senate Nominating Trustees of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 20, 1867.

Senators:

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Henry Gilbert, Esq., of the county of Dauphin, George Bergner, Esq., of the county of Dauphin, and William Louthier, Esq., of the county of Perry, to be trustees of the Pennsylvania State Lunatic Hospital, for three years, to be computed from the seventh day of February last past.

JNO. W. GEARY,  
Governor.

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To the Assembly Transmitting Certain Documents  
Concerning a Monument to Abraham Lincoln.

Executive Chamber,  
Harrisburg, February 26, 1867.

Gentlemen:

**I HAVE THE HONOR TO SUBMIT, HEREWITH,**  
two communications from His Excellency, Richard J. Oglesby, Governor of the State of Illinois, upon the subject of an appropriation for the erection of a monument to Abraham Lincoln. I very respectfully refer the same to the consideration of the Legislature.

JNO. W. GEARY.



John White Geary.

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State of Illinois, Executive Department,  
Springfield, February —, 1867.

To His Excellency John W. Geary,

Governor of Pennsylvania:

Dear Sir:—I am directed by the National Lincoln monument association to address you upon this subject, and take the liberty respectfully to invite your attention to the enclosed memorial, and to request that you lay the same before the Legislature of your State, now in session, with such recommendations as you may feel the importance of the subject requires, and your own views may permit.

After nearly two years of continued efforts to secure the necessary means to build a monument over the remains of Mr. Lincoln, by private subscriptions and donations, we feel satisfied that we have reached nearly the full amount that may be expected from these sources, and that a public duty, next to our obligations to the memory of this great and good man, requires us to directly appeal to the several loyal States, through their Legislatures, to aid the association in securing what is believed will be the necessary sum to build an appropriate and suitable National monument over his remains.

The State of Illinois has responded to our memorial and petition by granting an appropriation of fifty thousand dollars. We have in the hands of our treasurer, invested in interest bearing National securities, donated by private subscriptions, after the payment of all expenses, seventy-five thousand dollars. We believe we will hardly be justified in attempting to build a monument for the purpose stated, that will cost less than two hundred and fifty thousand dollars. We have, at present, but one half of this amount. We are not without hope that the Legislature of your State may feel disposed to approve our action, and the conclusions at which we have arrived, and to aid our association by such an appropriation as shall encourage us to hope that the laudable object we have in view is not to fail, but is to be supported by that just and liberal public opinion, which, during his administration, so cheerfully and steadily supported him.

I shall be most happy to afford you any information you may desire about the history of the organization and action of our association, and shall be much pleased to receive either from yourself, or from the Legislature of your State, any suggestions in reference to this subject.

Very respectfully,

Your obedient servant,

R. J. OGLESBY.



**MEMORIAL.**

To the Honorable the Senate and House of Representatives of  
the Commonwealth of Pennsylvania:

Your memorialist, members of the National Lincoln monument association, would most respectfully solicit your attention to the accompanying articles of association and memorial, which they have had the honor to submit to the General Assembly of the State of Illinois, now in session.

The Legislature of Illinois has appropriated the sum of fifty thousand dollars in furtherance of the objects of the association. But a much larger amount, in the opinion of your memorialists, and, as they believe, in the judgment of the great body of the loyal American people, will be required to build a monument commensurate with the dignity and grandeur of the objects and aims contemplated by the association.

In order, therefore, to impart to this enterprise that truly National character which we think it ought to assume, we respectfully ask the aid of your great State in rearing such a monument to the memory of Abraham Lincoln as will be worthy of his public services and fame, and as shall truly represent the love and reverence of the American people for the immortal principles of liberty and justice which ever found in him so able and fearless an advocate, and for his fidelity to which he lost his life.

RICHARD J. OGLESBY,  
SHARON TYNDALE,  
ORLIN H. MINER,  
NEWTON BATEMAN,  
JOHN T. STUART,  
S. H. TREAT,  
JESSE K. DUBOIS,  
O. M. HATCH,  
JAMES C. CONKLING,  
S. H. MELVIN,  
JOHN WILLIAMS,  
JAMES H. BEVERIDGE,  
JACOB BUNN,  
THOMAS J. DENNIS,  
DAVID L. PHILLIPS.



To the Senate Transmitting a Tabular Statement of  
Persons under Sentence of Death, or Convicted of  
Murder in the First Degree, With Date of Sentence,  
Place of Conviction, etc.

Executive Chamber,  
Harrisburg, March 8, 1867.

Gentlemen:

ON THE 13TH FEBRUARY, ULTIMO, I RECEIVED from your honorable body the following resolution:

“Resolved, That the Governor be requested to inform the Senate how many persons were in prison, within this Commonwealth, under sentence of death, or convicted of murder in the first degree, on the 15th day of January, 1867, together with the date of sentence, place of conviction, and such other facts as may be in his possession in regard thereto; and if such information be not in his possession, to obtain the same and lay it before the Senate at an early day.”

The desired information was not in this department, or that of the Secretary of the Commonwealth. On the 14th of February I addressed to the sheriff of each county in the State (accompanied by a copy of said resolution) the following letter:

To the Sheriff of ———:

Sir:—In compliance with the following resolution of the Senate of the Commonwealth of Pennsylvania, you will immediately, on receipt hereof, report to me all information required by said resolution, so far as relates to the prison under your charge.

Very respectfully,

Your obedient servant,

JNO. W. GEARY,  
Governor of Pennsylvania.



Replies have been received from all the counties except four, viz: Forest, Franklin, Snyder and Sullivan, which have failed to respond, although twice addressed upon the subject. As they, probably, have no criminals of the class referred to, rather than delay any longer, I communicate to your honorable body the information received, in tabular statement herewith submitted, giving the desired information as of the date of 14th of February, 1867.

I have the honor to be,

Most respectfully,

Your obedient servant,

JNO. W. GEARY.



Statement of Prisoners under Sentence of Death in the Commonwealth.

County.	Name.	Murder in the first degree.	Under sentence of death.	Date of sentence.	Remarks.
Adams, .....	None, .....	None, .....	None, .....	.....	.....
Allegheny, .....	do. ....	do. ....	do. ....	.....	do. ....
Armstrong, .....	do. ....	do. ....	do. ....	.....	do. ....
Beaver, .....	do. ....	do. ....	do. ....	.....	do. ....
Bedford, .....	do. ....	do. ....	do. ....	.....	do. ....
Berks, .....	do. ....	do. ....	do. ....	.....	do. ....
Blair, .....	do. ....	do. ....	do. ....	.....	do. ....
Bradford, .....	do. ....	do. ....	do. ....	.....	do. ....
Bucks, .....	do. ....	do. ....	do. ....	.....	do. ....
Butler, .....	do. ....	do. ....	do. ....	.....	do. ....
Cambria, .....	do. ....	do. ....	do. ....	.....	do. ....
Cameron, .....	do. ....	do. ....	do. ....	.....	do. ....
Carbon, .....	do. ....	do. ....	do. ....	.....	do. ....
Centre, .....	do. ....	do. ....	do. ....	.....	do. ....
Chester, .....	do. ....	do. ....	do. ....	.....	do. ....
Clarion, .....	do. ....	do. ....	do. ....	.....	do. ....
Clearfield, .....	do. ....	do. ....	do. ....	.....	do. ....
Clinton, .....	do. ....	do. ....	do. ....	.....	do. ....
Columbia, .....	do. ....	do. ....	do. ....	.....	do. ....
Crawford, .....	do. ....	do. ....	do. ....	.....	do. ....
Cumberland, .....	do. ....	do. ....	do. ....	.....	do. ....
Dauphin, .....	do. ....	do. ....	do. ....	.....	do. ....
Delaware, .....	do. ....	do. ....	do. ....	.....	do. ....
Elk, .....	do. ....	do. ....	do. ....	.....	do. ....
Erie, .....	do. ....	do. ....	do. ....	.....	do. ....



## Statement—Continued.

County.	Name.	Murder in the first degree.	Under sentence of death.	Date of sentence.	Remarks.
Fayette, .....	None, .....	None, .....	None, .....	None, .....	None, .....
Forest, .....	.....	.....	.....	.....	No report, .....
Franklin, .....	.....	.....	.....	.....	No report, .....
Fulton, .....	None, .....	None, .....	None, .....	None, .....	None, .....
Greene, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Huntingdon, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Indiana, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Jefferson, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Junlata, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Lancaster, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Lawrence, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Lebanon, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Lehigh, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Luzerne, .....	Alexander B. Willey, .....	1 .....	1 .....	7. 1867, .....	Death warrant issued for execution of said Willey, March 15, 1867.
Lycoming, .....	None, .....	None, .....	None, .....	None, .....	None, .....
M'Kean, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Mercer, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Mifflin, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Monroe, .....	do. ....	do. ....	do. ....	do. ....	do. ....
Montgomery, .....	Jos. Haddopp, alias Frederick Haddopp.	1 .....	.....	1866, .....	Death warrant issued by Gov. Curtin, Dec. 24, '66, for execution of said Haddopp, Feb. 6, '67, which was carried into effect on said date.
Montour, .....	None, .....	None, .....	None, .....	None, .....	None, .....



Northumberland, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Perry, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Philadelphia, .....	Edward Ford, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Do. ....	Jerry Dixon, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Do. ....	*Patrick Finlgan, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Do. ....	Newton Camplon, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Pike, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....
Potter, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Schuylkill, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Snyder, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Somerset, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....
Sullivan, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Susquehanna, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....	None, .....
Tloga, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Union, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Venango, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Warren, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Washington, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Wayne, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Westmoreland, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
Wyoming, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....
York, .....	†William Donovan, .....	do. ....	do. ....	do. ....	do. ....	do. ....	do. ....

\*Death warrant issued May 13, 1863, respited September 11, 1863, until October 23, 1863; respited October 22, 1863, indefinitely.

†Convicted November Sessions, 1866, of murder in the first degree, but not sentenced, A motion pending for a new trial.

March 8. 1867.

JNO. W. GEARY.



To the Assembly Concerning the Murder of Several Citizens of Pennsylvania in the State of Mississippi, and Transmitting a Petition for Aid in Bringing the Assassins to Justice.

Executive Chamber.

Harrisburg, March 13, 1867.

Gentlemen:

**A** PETITION HAS BEEN PRESENTED TO ME for consideration, which is of such unusual importance, that I deem it my duty to transmit it, with all the accompanying papers, to the Legislature, with the recommendation that the matter should receive prompt attention. From these papers it appears that in the year 1866, two young men, citizens of this Commonwealth, Noah H. Zook and Abraham H. Zook, sons of Jacob Zook, of Lancaster county, went to the State of Mississippi, and in partnership with William A. Brown and Cyrus L. Brown, residents of that State, rented a plantation on Big Black river, about twenty miles from Vicksburg. From time to time, during the spring and summer of 1866, they invested in their business over \$5,600. On the 24th of last November their father received a telegraphic dispatch, informing him that his sons were missing, and that it was believed they had been murdered; and on the following day a telegram was received, stating that the body of Abraham had been found, on the 13th of that month, lying in a swamp. He had been robbed, murdered and stripped of his clothing, and from appearances had been exposed for at least two weeks, and mutilated by wild animals. Soon afterwards a letter was received, confirming the terrible statement contained in the dispatches, the writer urging that his communication should be confidential, and by his language showing that if his humane efforts were known to his neighbors, his personal safety would be endangered.



Upon the receipt of these advices, the aid of the National Government was invoked, and a gentleman of respectability, a member of the bar, was sent by Mr. Jacob Zook to Mississippi to investigate the matter. Orders were sent from Washington on the military officer in command at Vicksburg, to give his assistance, and the result of the search and investigation will be found in the accompanying papers. It is proven that two citizens of Pennsylvania, while pursuing a peaceful and lawful calling, have been brutally murdered, (the body of one having been found as before stated), in a section of country where they should have been welcomed, protected and encouraged, especially as they had gone there in the spirit of manly enterprise and confidence, to contribute, with their capital, labor, skill and industry, to its material wealth, social advantage and political tranquility.

The partners of these men, who are believed to be their murderers, were allowed to collect the property of their slain associates, and then to leave unmolested for Texas. Every impediment was placed in the way of the investigation, no relief was given by the local authorities, and the residents, during the examination, either avoided answering, or responded in such a manner as to expose their sympathy with the suspected, or their apprehension of evil if they disclosed all they knew of the occurrence. The father of these murdered boys has asked his State to aid him in bringing their destroyers to justice; and for the purpose of more speedily gratifying his wishes, I transmit all the papers in the case to you. The citizens of this Commonwealth are her children, and must and shall be protected; and it is her imperative duty to demand and insist that wherever they shall go within the jurisdiction of the United States, their persons, their property, their reputation, and all that makes up the enjoyment of political and social existence, shall be secured to them.



I therefore earnestly commend this matter to your especial attention, and urge that by some expression of your sense of the outrage, and of your determination to right this wrong, the United States Government will be compelled, by the offer of a suitable reward, and by immediate commands to these officials, now happily vested with adequate authority by the military bill of occupation, of the sections of our country recently red with the names of rebellion, and filled with residents poisoned with the malice of subjugated treason, to search for and seize the perpetrators of this horrid deed, and bring them to speedy retribution.

I would also suggest, as asked for in the petition, that a reward be offered by the State, thus increasing the probabilities of apprehending and punishing the assassins, and at the same time showing the lawless communities which encourage the plunder and murder of Northern men, and conceal and shelter the perpetrators of the crimes, that Pennsylvania will, at all costs, protect her citizens and enforce obedience to the laws.

JNO. W. GEARY.

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To the Assembly Transmitting Certain Documents  
Concerning the Antietam National Cemetery.

Executive Chamber,  
Harrisburg, March 14, 1867.

Gentlemen:

I HAVE THE HONOR TO SUBMIT HEREWITH, the last annual report of the Antietam National cemetery, with accompanying letters from Thomas A. Boult, Esq., secretary and treasurer of said association, asking for an additional appropriation of five thousand dollars from this Commonwealth, for the completion of said cemetery.



The amount solicited is not large, and I cannot doubt but your honorable body will cheerfully respond to so worthy and patriotic an object.

JNO. W. GEARY.

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To the Assembly Transmitting a Letter from the Governor of North Carolina with Certain Resolutions Inviting the States of the Union to hold a National Convention for the Purpose of Amending the Federal Constitution.

Executive Chamber,  
Harrisburg, March 15, 1867.

Gentlemen:

A LETTER, DATED 6TH INST., HAS JUST BEEN received from Hon. Jonathan Worth, Governor of North Carolina, covering a set of resolutions adopted by the Legislature of that district, both of which, according to his request, are herewith transmitted to you.

The object of the resolutions is to invite "all the States, North, South, East and West," to a National Convention, for the purpose of "proposing, in exact conformity with the Constitution of the United States, such amendments to the Constitution, that the result will be such mutual concessions as will lead to a restoration of our former happy relations."

Under ordinary circumstances I would be satisfied to simply submit this communication to the Legislature without comment; but in this instance the occasion seems to demand something more. I am by no means insensible to a noble spirit of concession and forbearance, necessary to impart vitality to our National existence; and, therefore, in deliberating upon this important subject, I would recommend that local



feelings and prejudices be merged in a patriotic determination to promote the public welfare. But when we reflect that the people of North Carolina, inviting this assembly, are not in full communion with the loyal States; that they have been, for many years, in the habit of looking with great indifference upon the National interests, and of tolerating disloyalty; that throughout the thrilling and sanguinary war of the rebellion they used their utmost efforts to destroy the Constitution and the Union, and to establish a hostile government of their own; that they have recently refused to ratify the mild and wholesome amendments to the Constitution; that Congress, by the passage of the re-construction act, has made a salutary provision for their future military government, and for that of the other refractory districts lately engaged in rebellion, is not the presumption with which these unrepentant rebels and subjugated traitors now ask for "mutual concessions" surprising? The people of Pennsylvania have always been loyal to the Government, true to the Constitution and laws of the Nation, and have stood in the foremost ranks of the defenders of the Union. They have no concessions to make; certainly none to those who have waged a treasonable war, and who have been conquered at the point of the bayonet. The doctrine is certainly abhorrent, that defeated treason should ask the loyal men of this country to meet them upon equal terms in convention, to amend the Constitution they repudiated and attempted to destroy. The guilty failure of those men has assigned them to a far different task—submission to the terms of the conquerors, and obedience to that law which we all obey.

While Pennsylvania has no concessions to make, her people, desiring a speedy, just and proper re-adjustment of all the States in the Union, earnestly beseech the citizens of North Carolina, and of all the Southern



States, to return, without delay, to the benign influences of the Government, while yet the terms of such a return are easy, and not to wait for more severe conditions, and perhaps for more serious punishment.

JNO. W. GEARY.

State of North Carolina,  
Executive Department, Raleigh, March 6, 1867.

To His Excellency, the Governor of Pennsylvania:

Dear Sir:—I herewith enclose to you resolutions of the General Assembly of this State, proposing a plan of composing our national troubles in exact conformity with the Constitution of the United States.

If these resolutions shall meet the approval of the States, and of the Congress, I do not doubt that the result will be such mutual concessions as will lead to a cordial restoration of the relations among the State which of old made the American Union the pride of our people, and the envy of the nations.

I have the honor to be,

Very respectfully,

Your obedient servant,

JONATHAN WORTH,  
Governor of North Carolina,

#### PREAMBLE AND RESOLUTIONS PROPOSING THE CALL OF A NATIONAL CONVENTION.

Whereas, The people of the State of North Carolina have repeatedly declared, through their representatives, their desire that harmonious relations should be fully restored between this State and the United States, according to the Constitution of the United States, on terms alike safe and honorable to all parties; and to effect such harmony, are willing, in a constitutional manner, to assent to any amendment of the Constitution of the United States, giving full indemnity and security for the peace and permanency of the Union, which may be constitutionally proposed, and whatever shall seem to them compatible with civil liberty, and tending to promote the general welfare:

And whereas, By the fifth article of the Constitution of the United States, it is declared, that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or on application of the Legislatures of two-thirds of the several States, shall call a



convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of the Constitution, when ratified by three-fourths of the several States, or by conventions in three-fourths thereof, as the one or other mode of ratification may be proposed by Congress; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Believing that no better mode can be devised, to compose the animosities growing out of the late war, than that contemplated by the alternative proposition in said fifth article of the Constitution of the United States; therefor,

Resolved by the General Assembly of the State of North Carolina, That this State doth apply to the Congress of the United States, for the call of a National Convention, in which all the States, north, south, east and west, shall be represented, according to the Constitution, to propose such amendments to the Constitution, as shall seem fitted to promote the general welfare, peace, the harmony and prosperity of the United States; which amendments, when ratified by three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution of the United States.

Resolved further, That the Governor of this State transmit to the President of the United States, a copy of these resolutions, to be communicated to the Congress of the United States; and also, a copy to the Governor of each of the States, with the request that the same be laid before the Legislature of each State in the Union.

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To the Assembly Vetoing "An Act to Incorporate the Marine Hospital of Pennsylvania in the County of Erie, to Fix Location of Hospital in Erie City, and to Grant Real Estate to Said Hospital."

Executive Chamber,  
Harrisburg, March 19, 1867.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 246, entitled "An Act to incorporate the Marine hospital of Pennsylvania, in the county of Erie, to fix location of hospital in Erie city, and to grant real estate to said hospital."



By the thirteenth and fourteenth sections of the bill certain property of the State, on the shore of Lake Erie, and in or near the city of Erie, is donated to the hospital proposed to be incorporated. Without reserving any right of ultimate reversion to the Commonwealth, in any contingency, the second section declares that the said corporation shall have the right to "grant, bargain, sell, convey, \* \* \* or dispose of, for the use and benefit of the said corporation," \* \* \* "any lands, tenements, goods and chattels, of whatever kind, nature or quality, real, mixed or personal, which are now, or shall or may at any time hereafter become the property of the said corporation or body politic, by purchase, gift, grant, bargain, sale or otherwise." The property, proposed to be donated by the State, is so imperfectly described in the bill, that no correct idea of the quantity or value can be had from a mere perusal of the act. From the best information I have on the subject, the quantity of lands is some fifty acres or upwards, on the shore and harbor of the lake, and extending on the water front one thousand feet into the lake, . It is represented to me, and with much show of probability, that this property is of great value, present and prospective, and as the bill seems so loosely framed, as that the whole title of the Commonwealth to the premises may be taken away and ultimately transferred to third parties, without any equivalent, I do not feel justified, as at present advised, in approving the bill. The creation of a hospital is a most worthy object, and I regret the necessity which places me in apparent antagonism to it, but regard for what appears to be my duty as guardian of the public interest, leaves me no alternative.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Repeal an Act to Authorize the Pennsylvania Railroad Company to Increase its Capital Stock, to Issue Bonds and to Secure the Same by Mortgage."

Executive Chamber,  
Harrisburg, March 20, 1867.

Gentlemen:—

**T**HE ACT, ENTITLED "AN ACT TO REPEAL AN act, entitled 'A further supplement to the act incorporating the Pennsylvania railroad company, authorizing an increase of capital stock, and to borrow money,' approved the 21st day of March, 1866, to authorize the Pennsylvania railroad company to increase its capital stock, to issue bonds, and to secure the same by mortgage," has received that careful consideration from me which the importance of the subject seems to demand; and notwithstanding the high respect I entertain for the two branches of the Legislature, and the extreme reluctance I have, at any time, to differ with them, I am induced, by my convictions of duty, to dissent from the propriety of the provisions of the bill, and to return it, with my objections, to the Senate, in which it originated.

Lest my opinion should be misconceived and misrepresented, I deem it due to myself to make a brief exposition of some of the enactments of the Legislature, for the benefit of the Pennsylvania railroad company, since the original act for its incorporation, approved April 13, 1846, so far as relates to its capital stock.

By the first section of the act of incorporation, the capital stock was fixed at \$7,500,000.

The twentieth section is as follows: "That if any increase of the capital stock shall be deemed necessary, in order to complete or improve the said railroad or appurtenances, it shall be lawful for the stockholders of said company, at any annual meeting, or



at any special meeting convened for that purpose, in manner as aforesaid, to increase and dispose of any additional number of shares, not exceeding fifty thousand, so that the whole amount of said capital stock shall not exceed ten millions of dollars, and receive and demand the moneys for the additional shares, in like manner, subject to the same conditions hereinbefore provided for the original subscriptions, as shall be provided for in the by-laws of said company.

The manner prescribed for the increase and disposition of the stock, in the foregoing section, is certainly most unexceptionable. It being under the direction of the stockholders, and not at the option of the directors, as is provided in the bill under consideration, and which is deemed objectionable.

The twenty-second section imposed a tonnage tax as one of the conditions upon which the original charter was obtained, which has since been repealed by statute, and the accumulated tax released.

By act approved April 23, 1852, the capital stock was increased to \$13,000,000; May 6, 1852, to \$14,000,00; March 23, 1853, to \$18,000,000; May 2, 1855, to \$20,000,000, and March 2, 1866, to \$30,000,000.

With no other object on my part than to be serviceable to my countrymen, to preserve and transmit, unsullied, the great principles and the true policy of our government, and honorably to perform the trusts, duties, obligations and responsibilities committed to my charge, I proceed in the performance of these objects as I understand them. I am sincerely friendly to all the railroad and other companies that have aided in the development of the wealth and resources of the State, and while I cheerfully accord the same sentiment to your honorable bodies, I can but regret that there should be any difference of opinion between us on the proposed enactment. And if in stating the



objections, I shall use expressions which may be regarded as too strong, my apology will, I trust, be found in the importance of the subject. I will state them frankly, and with as much brevity as possible.

Waiving objections to the first section of the bill under consideration, and waiving also an inquiry as to the legal rights to thus authorize the change of the fundamental law of a corporation and bind stockholders, I proceed to the consideration of the second, which confers powers of the most extraordinary character upon the directors of the company, \* \* \* "providing further facilities required by the increase of the business upon the road and its connections, and for such other purposes, connected with its business, as the board of directors of said company may deem expedient, it shall be lawful for the said board of directors, from time to time, to issue additional shares of capital stock of said company, to such amount as they may determine, and to apportion, or dispose, of the said shares, in such manner, and upon such terms as they may think best, and also, for either, or for all of the said purposes, to issue, from time to time, bonds of the said company, payable at such time as they may appoint \* \* \*."

One of the objects of this bill is, for its further increase of the capital stock, to retire its present indebtedness, which, according to the president and directors' last annual report to the company, is upwards of \$26,000,000; thus in this way alone increasing the stock over one hundred and thirty per cent., and makes it amount to over \$46,000,000. But this is not all. It is further intended to increase the business facilities upon its roads and connections, "and for such other purposes, connected with its business, as the directors may deem expedient."



Were this bill to become a law, to what amount may not the directors extend the capital stock with such unlimited privileges? To what branch of business shall it be confined, and to what may it not be extended? And where is the power to keep it within its legitimate functions, if it should deem it proper to depart from them? Its tremendous power, in irresponsible hands, would be unlimited and uncontrollable by any other power short of revolution. It has already obtained, in the various chartered privileges, the pre-occupancy of nearly every possible railroad route in Pennsylvania, with the privilege of branches and lateral roads in a large majority of the counties. As shown by official reports, it has besides nearly eleven hundred miles of road in Pennsylvania, its extensions to Marietta, Columbus and Cincinnati, Ohio, and to Chicago, Ill., and holds large, and in some instances, controlling, amounts of stock in other railroad companies. When such extraordinary powers are attempted to be granted, for an unlimited period, I consider it palpably contrary to the spirit and intention of our institutions. The present directors, it may be assumed, are honorable gentlemen, for they assert they have good intentions for the public interests as well as for those of the company, but time may effect a change, and a new board, that may not recognize their duty to the stockholders, and to the rights and interests of the people, and forgetting their patriotism, might be found arrayed against the country when its services were required. It is not an impossible hypothesis, that its capital stock might be extended to one thousand millions of dollars, or even to an amount equal to the present national indebtedness. The whole control of the institution, and of the issue of its bonds, necessarily lie in the hands of a few directors, and not in those of the stockholders, whose real interests should be represented. The facilities



by which any board of directors could perpetuate power, in its own hands, might be an inviting temptation to monopolize or engross a sufficient number of shares of stock, by purchase, and proxies from non-residents, too confidingly given, or perhaps by fraudulent issue, to control the vote of the stockholders. The same board might by fair means thus be perpetuated, or by a dexterous mixing or misrepresenting of accounts, with not much risk or responsibility on their part, might fraudulently control forever the affairs of the company. In my opinion the stockholders themselves, who, like the people in our form of government, are the true source of power, should closely examine into the responsibilities, just presented, if they would preserve and perpetuate their own rights within the corporation. I am not aware of any instance where a company has been destroyed by the immediate action of its stockholders, but where too much power has been placed in the hands of directors and officers, of reckless, speculative and adventurous character, the instances of failures and disgrace are almost innumerable. In all the bearings which can be taken upon this measure, in the event of the directory of the road passing into the hands of ambitious and unscrupulous men, I can see nothing but an eventual monopolization of all the railroad privileges of this State, and perhaps of the United States, and "such other purposes connected with its business, as the board of directors of said company may deem expedient." They being their own judges, what might not be considered as connected with their business? May not any and almost every branch of industry—manufacturing, agricultural and commercial—be included? There is danger, too, that with such vast power, such ramifications into the business departments of the country, and such unlimited capital, there might be reason to tremble for the purity and sanctity



of our elections, or what is equally as bad, that our governors, legislators and other State authorities might be effected with the blandishments of its power, its offices, and its wealth. They could "make the rich richer and the poor poorer." They could, in a word, make their organization a monopoly—a term which a distinguished jurist and law-giver defines to be "that which grinds the people between the upper and the nether millstones"—and its power would become so great, that should any citizen, or even an officer of the government, attempt to restrain it within its chartered limits and proper franchises, he would be made to feel its withering influences. There is always danger in the creation of monopolies, for in proportion as they are increased are the rights of the citizen abridged. Had such a proposition been made in the early days of the Commonwealth, or even a quarter of a century ago, or when this company applied for its charter, it would have been rebuked by the people, without distinction of party, upon its first announcement.

I am not inimical to the Pennsylvania railroad company, but I am positively its friend. I honor its management for the energy displayed in the share they have taken, with others, in the development of our State, and am determined that it and all other corporations shall be protected and defended in all their rights, privileges and franchises, already derived, or that may hereafter be derived, from legislative action. But when they ask for unlimited privileges, which can and may be used as engines to threaten, endanger, and control the interests, and perhaps the very action of the government, by the absorption of our internal improvements, and every branch of industry within the State, and the holding of many thousands of our people in a dependent condition, they must be refused.

It is said that other corporations have had unlimited



powers conferred upon them, and no evils have resulted; but as far as such cases have been cited, I find, upon examination, that they were, almost without exception, conferred upon the stockholders on terms and with limitations, and not upon directors. And if there were such, and they were known to be wrong in principle, it is one of the best and strongest reasons why the practice should be discontinued. If it is right that the Legislature should confer unlimited powers upon one institution, it has a right to multiply such corporations at its pleasure; and if they should be managed by those whose predilections and interests would be similar, the control of the Commonwealth would be irretrievably committed to their hands, and the sovereignty would depart from the people. If it is deemed necessary for the proper management of the company that its stock should be increased, let it be done as heretofore requested by them, gradually by the Legislature, just as the necessity for such increase can be clearly demonstrated, and after due notice that it is intended to make application for such increase of capital, and then only at the request of the stockholders.

Prior to the late election, I found among the people throughout the State that the important question of railroads, in all its shapes and guises, could not be properly ignored. It was regarded as a matter of such paramount importance, that pledges were asked of the gubernatorial candidates, and certain interrogatories addressed to them, to which answers were required. One of the interrogatories, addressed to myself, was in these words, viz: "Will you, if elected Chief Magistrate of Pennsylvania, faithfully exert the power of your administration to defeat any and every attempt made by legislation or otherwise, for the monopoly and control, by one corporation, of the railroad policy of the State?" To which I, in good faith,



replied, "that while I believe it to be improper to bring the influence of the Executive Department to bear upon the Legislature, in anticipation of its action, except in the way of recommendation, I am heartily opposed to the creation of any monopoly in the railroad system of the State, or giving any artificial body, created by the law, powers which would place it above and beyond the reach of the Legislature." And in my reply I further stated, that "the spirit of monopoly, in this and other matters, should be discouraged in a republican government, and I have no sympathy with any policy which may be designed for its encouragement." And in speaking of railroad companies, I further remarked: "While these corporations continue to act their part, as public servants, they should be carefully protected. They should not be permitted to overstep their legitimate functions. As creatures of the law, they should obey, and be, in every respect, subservient to the law."

In accordance with the doctrines thus pronounced, the public have rendered their verdict, and expect of me a strict compliance of the pledges then given. These are not new doctrines or principles. They were fearlessly enunciated in the incipient part of the campaign, and were discussed freely by the people, by the press, and by public speakers generally throughout the State. I feel that I am solemnly bound to obey these pledges, and I have no desire or intention to evade or disobey them. The people may rest satisfied and assured, that neither this, nor any other, pledge given them when I was asking their suffrages, shall be violated.

That the people have an indisputable and inherent right to instruct their public servants, and to mould and fashion their institutions to suit themselves, no one believing in a republican form of government, will for a moment pretend to deny, and I believe the cor-



relative obligation, that those holding office are bound to obey, is equally true. These instructions were conveyed to me in the best possible mode—through the ballot box. Viewing this question without prejudice, no man can doubt that our citizens are earnestly opposed to the granting to corporations any unlimited powers, which may be converted into monopolies, and which cannot be held subservient to the Legislature, and to the true interests of the State.

A solicitous regard, therefore, for truth and justice, has impelled me to the course I have taken upon this subject, and with the full assurance that I have done my duty, I herewith return the bill without my signature.

JNO. W. GEARY.

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To the Assembly Requesting the Repeal or Modification of Certain Provisions of "An Act to Authorize the Allegheny Railroad to Mortgage its Road or Branches to Complete the Same."

Executive Chamber,  
Harribsurg, March 20, 1867.

Gentlemen:—

**M**Y ATTENTION HAS BEEN CALLED TO THE fact that on the 8th of March, 1867, I signed an act, entitled "An Act to authorize the Allegheny Valley railroad to mortgage its road and branches, to complete the same."

Since I signed that act I have discovered that it authorizes the directors of said company to create bonds, payable at such time as they may determine upon, with coupons attached, bearing interest not exceeding seven and three-tenths per centum per annum, to an amount sufficient to meet the necessary



outlay upon any branch road or roads, to be hereafter constructed under the provisions of the charter of the Allegheny Valley railroad company, its supplements or laws affecting said company. This power to borrow an unlimited amount, and at the absolute discretion of the directors, is an improvident and impolitic grant, and had I observed it at the time the bill was presented I would not have signed it. It escaped me in the pressure of public business, and the first duty I owe you and the people of the State is to say this, and to request you to repeal the act, or modify it with proper restrictions.

I have directed special notice of this message to be sent to the president and directors of the company.

JNO. W. GEARY.

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To the Assembly Transmitting Resolutions of the Citizens of Pottsville for the Purpose of Obtaining Legislation to Terminate the Murders being Committed in that Community.

Executive Chamber,  
Harrisburg, March 21, 1867.

Gentlemen:—

I HAVE BEEN WAITED UPON THIS AFTER-noon by a large delegation of respectable citizens of Schuylkill county, who have come here in pursuance to instructions contained in a resolution adopted at a mass meeting of citizens, held in Pottsville, last evening, for the purpose of obtaining legislation which will terminate the scenes of murder and outrage which are now shocking the community with their enormity. In obedience to their request, and in accordance with my own wishes, I call your attention to the resolutions



passed at the meeting last evening, a copy of which is herewith transmitted, and urge upon you the necessity and importance of immediate action.

The petitioners simply ask at your hands protection for their persons and their property, a right which should be willingly and promptly granted before the soil of their county is again reddened with the blood of a peaceful and inoffensive resident.

During the last three or four years nearly fifty murders have been committed in Schuylkill county, and the murderer, in almost every instance, was allowed to escape almost entirely, from the fear of the citizens to take any action toward the detection and conviction of the criminal.

The people of that section, as of all others of this Commonwealth, should and must be protected by the authorities of the State, and I respectfully urge you to listen to the appeal herewith enclosed, and take such action as in your wisdom you deem best suited to ensure to them their security of life and property, and to secure the speedy and certain punishment of crime.

JNO. W. GEARY.

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To the Assembly Transmitting Certain Documents  
Concerning the Boundary Between New York and  
Pennsylvania.

Executive Chamber,  
Harrisburg, March 28, 1867.

Gentlemen:—

I HAVE THE HONOR TO SUBMIT HEREWITH  
a letter from His Excellency, R. E. Fenton, Governor of the State of New York, (and four enclosures accompanying the same,) on the subject of the western boundary between that State and this Commonwealth, and the monuments which mark said boundary.



I cordially commend the whole subject to your honorable body, as one well worthy your most respectful consideration.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to the Act Incorporating the Colebrookdale Railroad Company."

Executive Chamber,  
Harrisburg, March 28, 1867.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, to the Senate, in which it originated, bill, No. 808, entitled "A supplement to the act incorporating the Colebrookdale railroad company, approved the 23d day of March, 1865."

This bill provides that the bonds of said company "shall be exempt from all taxes, except State taxes, until the net receipts of said road shall be sufficient to pay yearly six per centum per annum upon the cost of construction."

There is a constant pressure upon the Legislature to exempt various classes of property from taxation, and in deference to established precedents, I have approved sundry acts exempting property held for religious and charitable purposes. Taxation, to be just, should be uniform, and, so far as practicable, its burdens should be made to bear alike upon all property in proportion to its value. The real estate of the Commonwealth having been wholly exempted from taxation by law, it becomes necessary to guard with more care the remaining sources of revenue, to the end that all necessary expenditures may be honorably met.



The bill herewith returned, being in violation of these general principles, cannot receive my signature.

It has been urged that this railroad is a short one, and that the amount of taxes upon its bonds would be so insignificant as to be of no practical importance. This may be so; yet long or short, it clearly embraces the principle of exempting railroad bonds from taxation, and if the principle be once conceded, every railroad company in the State would insist upon its application to them.

I embrace this occasion to recommend to the Senate greater care in framing titles to bills, in compliance with the eighth section of the eleventh article of the Constitution, which requires that the subject of every bill "shall be clearly set forth in its title." I would feel justified in vetoing this bill for this cause alone. To call a bill "a supplement," does not "clearly indicate" its objects; and in many cases conveys no idea whatever of the contents of the bill.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Union Mutual Fire Insurance Company."

Executive Chamber,  
Harrisburg, April 1, 1867.

Gentlemen:—

**H**EREWITH IS RETURNED TO THE SENATE, in which it originated, without my approval, bill, No. 646, entitled "An Act to incorporate the Union Mutual Fire insurance company."

The act, approved 26th March, 1867, having conferred upon the courts the right to incorporate fire insurance companies, the Legislature is prohibited from doing it, by the ninth section of the eleventh article of the Constitution.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the Masonic Hall Association of the City of Reading, Pennsylvania, for the Purpose of Erecting a Building for the Use of the Masonic Association, and for Other Purposes."

Executive Chamber,  
Harrisburg, April 4, 1867.

Gentlemen:—

**H**EREWITH IS RETURNED WITHOUT MY APPROVAL, to the Senate, in which it originated, bill, No. 1002, entitled "An Act to incorporate the Masonic hall association of the city of Reading, Pennsylvania, for the purpose of erecting a building for the use of the Masonic association, and for other purposes."

I have already returned to the House, with my objections, two bills of this character, and I had hoped no more would be passed. The act of 13th October, 1840, conferred upon the courts of common pleas of the several counties authority to create corporations "for any literary, charitable or religious purpose, beneficial society or association."

By the third section of the act, approved May 7, 1855, this power of the courts is so extended as to embrace Odd Fellows, Free Masons and town and city hall associations.

Then ninth section of the eleventh article of the Constitution declares that "No bill shall be passed by the Legislature granting any powers or privileges in any case where the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."

This bill, in my judgment, is in direct conflict with this plain provision of the Constitution, and cannot therefore be approved.

Executive approval gives no validity to unconstitu-



tional acts; and the courts have repeatedly held that such enactments are void, and confer no rights or privileges upon the corporators. It is better for all concerned that such legislation be arrested at once, before innocent parties have been induced thereby to invest their money.

It is quite too common to insert some clause, or proviso, in bills of this character, not included in the jurisdiction of the courts, and then to contend that the whole bill must be made an exception to the general rule. This cannot be permitted, for it must be apparent that the inevitable result of such a course would be the complete nullification of that clause of the Constitution hereinbefore cited. The conclusion of the first section of the bill, herewith returned, is as follows: "Provided, That the real estate of the said association shall not exceed the net yearly income of twenty-five thousand dollars."

By the act approved 26th March, 1867, such associations after incorporation by the courts, may have a clear annual income of twenty thousand dollars. This is more than sufficient in all ordinary cases, and when the net yearly income of this Reading hall association shall be found to exceed this amount, it will be time enough for the Legislature to legalize the increase.

The following is the second section of the bill: "Section 2. That the object of said corporation shall be to provide, erect and furnish a hall, or suitable building or buildings, in the said city of Reading, for the accommodation of Masonic and beneficial associations, established or to be established there, as well as suitable for public and business purposes generally."

It must be apparent to every one, that the main object of the corporation is to provide a hall for the uses of the association; and the additional words, "as well as suitable for public and business purposes generally," are too vague and uncertain to give character to the corporation, and it is very doubtful



whether they could be so construed as to confer any powers or privileges whatever.

I cannot allow the plain provisions of the Constitution to be evaded on such pretexts as these. If special powers or privileges, not within the jurisdiction of the courts, are needed, they can be properly claimed in bills framed for the purpose, unencumbered with provisions for other powers and privileges which the courts have the right to confer, and they will be duly considered.

I can only account for the Legislature passing such bills as this, upon the ground that the act giving the courts jurisdiction cannot be found in the digest, and must have been overlooked.

JNO. W. GEARY.

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To the Speaker of the Senate Transmitting a Certain Document Concerning the Cholera.

Executive Chamber,  
Harrisburg, April 6, 1867.

Hon. Louis W. Hall,  
Speaker of the Senate:

Sir:—

I HEREWITH PRESENT TO THE SENATE, A communication from the Hon. John M. Read, of Philadelphia, relative to the probable re-appearance of the cholera in Philadelphia during the coming summer or fall, and suggesting that some action be taken by the Legislature to check its ravages.—Asking for it your prompt consideration,

I am, very respectfully,

JNO. W. GEARY.



Proclamation of the Cancellation of One Million Seven Hundred and Ninety Four Thousand Six Hundred and Forty Four Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.

[Signed] John W. Geary.



**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

**A PROCLAMATION.**

Whereas by the Third Section of the Act of the General Assembly of this Commonwealth passed the Twenty-second day of April, A. D. one thousand eight hundred and fifty-eight entitled "An Act to establish a Sinking Fund for the payment of the public debt," it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund created by said act of the General Assembly, on the First Monday of September, A. D. one thousand eight hundred and fifty-nine, and on the same day annually thereafter to Report and Certify to the Governor the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the Certificate representing the same to be cancelled, and on such cancellation issue his Proclamation stating the facts and the extinguishment and final discharge of so much of the principal of said debt.



And Whereas, F. Jordan, J. F. Hartranft and W. H. Kemble Commissioners of the Sinking Fund in obedience to the requirements of law, Report and Certify to me that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the Third day of September A. D. one thousand eight hundred and sixty-six to the Second day of September A. D. one thousand eight hundred and sixty-seven amounts to the sum of One Million Seven hundred and Ninety four thousand, Six hundred and forty four dollars and fifty cents made up as follows, viz:

Five per cent loan of the Commonwealth,	1,625,569.50
Coupon Loan redeemed, .....	169,000.00
Domestic creditors, .....	75.00
	<hr/>
	1,794,644.50

Now therefore as required by the Third Section of the Act of Assembly first above mentioned I do hereby issue this my Proclamation, declaring the payment cancellation, extinguishment and final discharge of One Million Seven hundred and Ninety four thousand, Six hundred and forty four dollars and fifty cents of the principal debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Fourth day of September in the year of our Lord one thousand eight hundred and Sixty seven and of the Commonwealth the Ninety second.

By the Governor:

F. Jordan,

Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving. 1867.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

## A PROCLAMATION.

From the creation of the world, in all ages and climes, it has been customary to set apart certain days for special religious observance. This has not always been influenced by the light of Christian knowledge, nor by any proper conception of the character of that Great Being "who ruleth the earth in righteousness" and "who daily loadeth us with his benefits" but by an innate sense of the existence of an overruling Power, by which the world and all it contains are governed and controlled. Aided by the dictates of cultivated reason and the teachings of Devine revelation, we, however, are taught to recognize in that Supreme Ruler a Heavenly Father, to whom we are indebted for existence and all the blessings we enjoy, and to whom we owe constant and fervent thanksgiving and praise. It is He who "visiteth the earth and watereth it" who "setteth the furrows and blesseth the springings thereof;" who "crowneth the year with His goodness, and whose paths drop fatness;" who "clothest the pastures with flocks, and coverest the valleys with corn;" who "maketh the outgoings of the morning and of the evening to rejoice;" who "is our refuge and strength;" who "maketh wars to cease;" and "saveth us from our enemies;" whose "throne is forever and ever." and who "blesseth the nations



whose God is the Lord. On all sides we have increased assurances of the "loving kindness" of an All Wise Parent of Good, who has conducted our nation through a long and terrible war, and permitted our people to repose once more in safety "without any to molest them or to make them afraid." The monstrous sentiment of disunion is no longer tolerated. The Flag, the Union, and the Constitution are esteemed as the safe guards of the rights and liberties of the people, and are revered and defended as the ark of their political safety.

A kind Providence has not grown weary of supplying our continuous wants. A bounteous harvest has rewarded the labors of the husbandman. Flocks and herds are scattered in countless numbers over our valleys and hills. Commerce is uninterrupted, and vessels laden with products of nature and of art, speed, unmolested, over the trackless deeps. Neither pestilence, famine political or social evils, financial embarrassments or commercial distress have been permitted to stay the progress and happiness of the people of this great Commonwealth; but peace, health, education, and morality, religion, social improvement and refinement, with their attendant blessings, have filled the cup of comfort and enjoyment to overflowing.

Recognizing our responsibility to Him who controls the destinies of nations as well as if individuals, and "from who cometh down every good and perfect gift" and to whom we are deeply indebted for all these and the richer blessings of our common Christianity, let us unitedly give our most devout gratitude and hearty thanksgiving.

I, therefore, do hereby recommend that Thursday, the 28th day of November next, be set apart as a day of praise and thanksgiving, that all secular and worldly business be suspended, and that the people assemble in their various places of worship to acknowledge



their gratitude and offer up prayers for a continuance of Divine favor.

Given under my Hand and the Great Seal of the State, at Harrisburg, this thirty first day of October, in the year of our Lord one thousand eight hundred and sixty seven, and of the Commonwealth the ninety second.

JNO. W. GEARY.

By the Governor:

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation of the Election of George W. Woodward as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY  
the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

**A PROCLAMATION.**

Whereas by a return made by the Judges of a Special Election, held in the Twelfth Congressional District of this Commonwealth, composed of the Counties of Luzerne and Susquehanna, on Tuesday the Eighth day of October, last past, being the second Tuesday thereof, and the time appointed for holding the general elections in said Commonwealth under the



Authority of an Act of the General Assembly approved the second day of July, A. D. One thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it appears that George W. Woodward was duly elected to serve as a Representative of this State in the House of Representatives of the Fortieth Congress of the United States to supply the vacancy occasioned by the death of the Hon. Charles Denison.

And whereas in and by the Forty-second section of the above recited Act of the General Assembly, it is

Wilkesbarre, 18th September, 1867.

To His Excellency Gov. Geary:

Hon. Charles Denison, the Representative of the 12th Congressional District of Pennsylvania, in the Congress of the United States, died in the month of June, 1867, thus causing a vacancy in the representation from this State.

By the Act of Assembly of 2d July, 1839, it is provided that "if a vacancy shall happen during the session of Congress, or if Congress shall be required to meet at some time previous to the next general election, the Governor shall appoint a time as early as may be convenient for holding such election; otherwise he shall direct the election to be held at the time appointed for holding the general elections.

The same Act provides that the writ for holding such special election shall be delivered to the Sheriff, &c., at least fifteen days before the day appointed for such election.

We therefore request your Excellency, to issue a writ to the Sheriff of Luzerne and Susquehanna Counties directing an election of a member of Congress for the 12th District at the time of the next general election, viz: 8th of October, 1867.

Very respectfully, Yr obdt. Servts.,

W. W. KETCHAM,  
STANLEY WOODWARD

18th September, 1867.

Pennsylvania, ss:  
Jno. W. Geary.

**I**N THE NAME AND BY THE AUTHORITY OF  
the Commonwealth of Pennsylvania, JOHN W.  
GEARY, Governor of the said Common-  
wealth.

To Joseph E. Vanleer, Esquire, Sheriff of the County of Luzerne, Sends  
Greeting:

Whereas a vacancy has happened in the Representation of this State in the House of Representatives of the United States in consequence of the death of the Hon. Charles Denison, elected a member of the Fortieth Con-



made the duty of the Governor, on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected.

Now Therefore I, JOHN W. GEARY, Governor as aforesaid have issued this my Proclamation Hereby publishing and declaring that the said George W. Woodward is duly elected and chosen in the District before mentioned as a Representative of this State in the House of Representatives of the Congress of the United States in the room of the Hon. Charles Denison, deceased, who had been elected a member of the Fortieth Congress.

Given under my Hand and the Great Seal of the State at Harrisburg this First day of November, in the year of our Lord one thousand eight hundred and sixty-seven and of the Commonwealth the ninety-second.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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gress from the Twelfth Congressional District composed of the Counties of Luzerne and Susquehanna.

Now Therefore in pursuance of the provisions in such case made and provided by the Constitution of the United States and of an Act of the General Assembly of this State approved the second day of July, A. D. one thousand eight hundred and thirty-nine.

I, John W. Geary, being vested with the Executive Authority of the State of Pennsylvania have issued this Writ Hereby Commanding you the said Joseph E. Vanleer, to hold an election in the said County of Luzerne on Tuesday, the Eighth day of October, being the Second Tuesday thereof in the year of our Lord one thousand eight hundred and Sixty-seven for choosing a Representative of the Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid. And you are hereby required and enjoined to hold and conduct or cause to be held and conducted the said Election and make a return thereof in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this Nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-seven and of the Commonwealth the ninety-second.

By the Governor,

J. B. GARA,

Depy. Secy. of the Commonwealth.

Note.—A Writ Similar to the above was issued same day to Samuel F. Lane, Esq., Sheriff of Susquehanna County, Pennsylvania.



Proclamation of the Election of George Sharswood  
as Judge of the Supreme Court.

Pennsylvania, ss.

[Signed] Jno. W. Geary.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN W. GEARY, Gov-  
ernor of the said Common-

A PROCLAMATION.

Whereas, In and by An Act of the General Assembly of this Commonwealth passed the fifteenth day of April, A. D. 1851, entitled "An Act to provide for the Election of Judges of the several Courts of this Commonwealth and to regulate certain Judicial Districts" it is enacted and provided as follows, viz:

Section 9. "That on the first Tuesday in November next following any election authorized by this act the Secretary of the Commonwealth shall, in the Hall of the House of Representatives, in the presence of the Governor and such other Citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his Proclamation, declaring so many of the persons voted for, for Judges of the Supreme Court as shall be required to be elected by this Act, and who have received the greatest number of votes to be duly elected.



And Whereas the Secretary of the Commonwealth did at the time and place and in the manner provided by the Act aforesaid, cause the returns of the election made to him to be opened and the votes cast for Judges of the Supreme Court to be accurately computed.

Now therefore, in obedience to the requirements of the above recited Ninth Section of the Act of the General Assembly aforesaid, I JOHN W. GEARY, Governor of the Commonwealth, do hereby issue this Proclamation publishing and declaring that of the persons voted for, for Judge of the Supreme Court of this Commonwealth at the late General election held on the second Tuesday of October last, George Sharswood having received the greatest number of votes has been duly elected Judge of the Supreme Court for Fifteen years from the first Monday of December next.

Given under my Hand and the Great Seal of the State at Harrisburg this fifth day of November in the year of our Lord one thousand eight hundred and sixty-seven, and of the Commonwealth the ninety-second.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.



## Annual Message to the Assembly.—1868.

Gentlemen:

**B**EFORE PERFORMING THE CUSTOMARY AND constitutional duty of transmitting to you information of the affairs of the Commonwealth, and recommending such measures to your consideration as are deemed necessary and expedient, it affords me great gratification to tender to you my most friendly greetings on your assembling at the Seat of Government, and to welcome you to the council chambers of the State.

Our grateful acknowledgments are due to the Beneficent Author of all good for the continued prosperity and well-being which every where prevails, for the abundance which has crowned the labors of the husbandman, for the general health with which we have been so signally favored, and for all the enjoyments of peace, contentment and happiness within our borders.

Our country has just emerged from the trials and dangers of an unrighteous rebellion and entered upon a period of important political struggle arising therefrom. Being convened as the representatives of a confiding constituency grave duties and responsibilities devolve upon you to so legislate upon the great and manifold interests committed to your charge as best to subserve the welfare of the people and advance the honor of the State. The fullest confidence is entertained that your deliberations will result beneficially and your public duties be faithfully discharged; and on my part, permit me to give you assurances of zealous co-operation in all your labors calculated to promote the general welfare.

One of the most important duties devolving upon the Legislature is the consideration of the public finances. Such action should be taken for the provision of funds to defray the current expenses of the Government, the preservation of the credit of the Commonwealth, and



the speedy extinguishment of the public debt, as circumstances shall be found to require. These objects are of the highest importance and claim the first attention of the Representatives of the people.

### FINANCES.

The report of the State Treasurer shows that the

balance in the Treasury November 30, 1866, was,	\$1,741,033 27
Ordinary receipts during the fiscal year ending	
November 30, 1867, .....	5,423,330 07
Loan for the redemption of the over-due bonds,..	23,000,000 00
Depreciated funds in the Treasury, unavailable, ..	41,032 00

Total in Treasury for fiscal year ending No-	
vember 30, 1867, .....	\$30,205,395 34

Payments, viz:

Ordinary expenses during the fiscal	
year ending November 30, 1867,.....	\$4,583,696 99
Loans, &c., redeemed, .....	20,918,829 89
Depreciated funds, unavailable, .....	41,032 00
	<hr/> 25,543,558 88

Balance in Treasury, November 30, 1867, ..	\$4,661,836 46
Of which the Treasurer reports as applicable to	
the payment of over-due loans, the sum of, ..	2,937,978 55

Balance, .....	<hr/> \$1,723,857 91
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Amount of the State Debt on November 30, 1866,..\$35,622,052 16

Funded debt, viz:

6 per cent. loans, .....	\$25,311,180 00
5 per cent. loans, .....	12,104,025 20
4½ per cent. loans, .....	175,000 00
	<hr/> \$37,590,205 20

Unfunded debt, viz:

Relief notes in circula-	
tion, .....	\$96,625 00
Interest certificates out-	
standing, .....	13,086 52
Interest certificates un-	
claimed, .....	4,448 38



Domestic creditors' certificates, .....

14 67

114,204 57

Total outstanding, .....\$37,704,409 77

From which deduct the amount in

Treasury applicable to the pay-

ment of over-due loans, ..... 2,937,978 55

34,766,431 22

Amount redeemed during fiscal year ending No-

vember 30, 1867, ..... \$855,620 94

That the operations of the sinking fund may be clearly understood, the following "recapitulation" is quoted from the report of the Commissioners for the year ending September 3, 1867:

Balance in sinking fund, September 3, 1867, ..... \$2,752,351 77

Receipts in fund for year ending September 3,

1867, ..... 3,355,810 69

\$6,108,162 46

#### Disbursements:

Paid interest, ..... \$2,575,330 55

Loans redeemed, ..... 1,794,569 50

Premiums, ..... 275 00

Domestic creditors, ..... 75 00

4,370,250 05

Balance in fund, ..... \$1,737,912 41

By the sixth section of the act of May 16, 1861, a special tax of one-half mill on the dollar was especially set apart for the payment of the interest, and redemption of the loan created by an act of May 18, 1861, entitled "An Act to create a loan and provide for arming the State."

The receipts from said tax and tax on gross re-

ceipts amounts to, ..... \$489,178 17

Interest paid in February and August, 1867, ..... 169,245 00

Balance on hand, ..... \$319,933 17



Public debt, November 30, 1867, .....	\$34,766,431 22
Assets in Treasury, viz:	
Bonds of the Pennsylvania railroad company, .....	\$6,500,000 00
Bonds of the Philadelphia and Erie railroad company, .....	3,500,000 00
Interest on bonds of the Philadelphia and Erie Railroad company, .....	1,400,000 00
Cash in Treasury, .....	1,723,857 91
	<hr/> 13,123,857 91
Liabilities in excess of assets, .....	<hr/> \$21,642,573 31 <hr/>

The above assets will be available as follows:

By the act of May 16, 1867, the Pennsylvania railroad company are to pay on the above bonds, \$100,000 a year until July 31, 1890, when one million of the residue shall fall due, and one million annually thereafter, without interest, until the whole is paid, which will be in the year 1895.

By the act of March 7, 1861, the \$3,500,000 of bonds of the Philadelphia and Erie Railroad were surrendered to that company, upon the deposit of four million of dollars of their bonds as collateral security for the payment of the original bonds, and a mortgage of four millions of dollars was also given by the company to secure their payment. These bonds are to be paid in forty years from date of issue, and will mature A. D. 1901.

There is always a discrepancy in announcing the reduction of the State debt, between the annual proclamation of the Governor and report of the State Treasurer, arising from the fact that the sinking fund year terminates on the first Monday in September and the fiscal year of the Treasury on the 30th of November. To prevent complications of accounts and annual explanations I recommend that the termination of the sinking fund year be made the same as that of the Treasury.



The promptitude with which citizens of Pennsylvania came forward last April and took the whole amount of the twenty-three million loan (the bids being for upwards of thirty-three millions), may be considered a most auspicious circumstance in the financial history of the State, and indicates unbounded confidence in the good faith and substantial credit of the Commonwealth. The foregoing statement of the finances is set forth with pleasure, in consequence of their flourishing condition.

In addition thereto, the balance in favor of the General Government for Pennsylvania's quota of the direct tax levied in the several States for war purposes and for cash from the United States, amounting in all, to nearly two millions of dollars, has been settled in full by the allowance of claims for extraordinary expenses incurred by the State during the war.

In consequence of the lapse of time since the remaining claims were contracted, the want of sufficient vouchers and explanations, and the difficulty, and in many instances, doubtful, the accomplishment of which will, however, be vigorously pursued and the results laid before the Legislature.

Passing from this general review of the finances of the State, I cannot permit some of the most prominent ideas connected with them to pass unnoticed, because they clearly indicate the path of duty in the discharge of the Executive trust. It is deemed proper to call your attention to the fact that during the entire year a very large sum of money is in the keeping of the State Treasurer. This sum has not at any time for years been less than a million of dollars, and at present amounts to considerably over four millions of dollars. That it is unnecessary that the greater portion of this money should be kept in the Treasury to meet the ordinary demands upon it is obvious; and that it should be withdrawn from circulation is certainly a detriment



to the business of the community. A contraction of the amount of several millions, as at present, cannot fail to make its impression upon those engaged in mercantile, manufacturing, agricultural, mining and all other kinds of employments. This money, I am informed upon good authority, can be loaned, with ample security for its re-payment when needed, for certain specified periods, at a reasonable rate of interest, and the proceeds placed in the Treasury for the benefit of the State, which would not only be beneficial to the taxpayers, by increasing the public revenue, but also enlarge the accommodations for business purposes. If this plan were adopted, the withdrawal of the circulating medium, by the payment of taxes, would be so brief that it would not materially affect the public welfare. The fund thus acquired could be added to the sinking fund, and would materially aid in the reduction of the State debt.

A glance at the condition of the Treasury will show that at least four millions of dollars might now be loaned, and at four per cent. would realize the handsome sum of \$160,000 per annum. Or nearly the whole amount of the balance now in the Treasury might be rendered productive by being invested in the bonds of the State, bearing six per cent. interest, even though purchased at a premium. Or, it might be invested in United States interest bearing bonds which would be available at any moment a necessity might arise for the use of the funds. If that amount were exchanged at part for United States ten-forty bonds, bearing five per cent. interest in gold, the product would be at the rate of \$200,000 per annum, in gold, or, at the present value of gold, \$266,000 in currency. Besides, the funds would not become "depreciated and unavailable" by long continuance in the Treasury. A law for this purpose could be passed, specifying the method by which the unneeded money of the Treasury may be loaned,



authorizing and empowering the State Treasurer, and such others as you may designate, to execute, or carry out, its provisions.

Your attention is also invited to the fact that the salary of the State Treasurer, now only seventeen hundred dollars, is entirely disproportioned to the duties and responsibilities of that officer, and that the amount of the bond, eighty thousand dollars, given by him to the State, is equivalent to no security at all, under the present system of placing, unconditionally, the entire funds of the State in his hands. The only security is the incorruptible honesty and integrity of the Treasurer. Suppose that when there is in his keeping millions of dollars the incumbent of that office should be tempted to become a defaulter! How easily could he secure to his bondsmen the amount for which they would legally be liable to the State and appropriate the balance to himself! For years, it seems to me, the Treasury of the State has stood, as it were, upon a volcano. Examples all around us show the fallibility of man, and how frequently and easily he is swerved from the path of rectitude and honor. Even many of those in the most elevated positions and enjoying the highest confidence of the public, are often found to yield to the temptations that surround them. The desire for the rapid accumulation of wealth; the thousands of schemes presented to excite the cupidity of human nature, and the looseness of public morals, engendered by the escape of the guilty from punishment, have so demoralized public sentiment that it may be considered a wonder—almost a miracle—that Pennsylvania has so long escaped from the calamity that might at any time have happened, or that may hereafter happen, by the robbery of her Treasury, and render the suspension of the payment of the interest upon the State debt, for a time, inevitable.

In the performance of my duty, I have forewarned



the Legislature of a danger as respects her finances, of no common magnitude. It remains for it to determine whether this danger shall be averted against the occurrence of so great a calamity.

#### EDUCATION.

The report of the Superintendent of the Common Schools exhibits a full view of our excellent system of public instruction, which is widely diffusing its blessings by securing a sound and substantial education to all the children of the State. A brief summary will give an idea of the immense proportions it has attained and the vast amounts of usefulness of which it is capable.

At the close of the year the number of school districts in the State was 1,889; the number of schools, 13,435; graded school, 2,147; school directors, 11,534; county, city and borough superintendents, 68; teachers, 16,523; pupils, 739,389; the cost of tuition, \$3,028,065.70; building, \$1,262,798.68; contingencies, \$790,675.33; tuition, building and contingencies, \$5,081,539.71; and the amount expended for all purposes relating to schools, \$5,160,750.17.

Your attention is particularly invited to the want of uniformity and constant change of books in the public schools. These are matters of serious inconvenience and needless expense to the poor, and might easily be remedied by judicious legislation.

The chief aim of our system of common schools is to place the advantages of an education within the reach of all the children of the Commonwealth; and when it is considered that intelligence and virtue are the principal safeguards of our free institutions, this system earnestly claims the fostering care and wise guidance of the Legislature.

The graded schools have largely increased during the past year. The system established by the State



was designed, not only to furnish instruction to our youth in the elements of knowledge, but wherever practicable, to impart to them an education in the higher branches of learning. The multiplication of grammar and high schools should, therefore, receive every encouragement, for they are necessary to perfect the system and enable the State to avail itself of that talent which is born in the cottages of the poor quite as frequently as in the palaces of the rich.

Good schools cannot exist without good teachers, and good teachers can only be obtained by using the proper means to prepare them. Recognizing these facts, the Legislature of 1857 passed a general Normal school law, dividing the State into twelve districts, and looking forward to the establishment, in each of them, of a Normal school. According to the provisions of this law four of these schools are now organized, the prosperous condition of which is exemplified by the fact that two thousand one hundred and eighty-five students attended them during the past year, of whom forty-six graduated.

Fourteen colleges and thirty-two academies have made reports to the School Department during the past year. Such institutions supply a great public want, as the common school system is not competent to perform the whole work of popular education. A State requires men of generous culture in all the walks of life, as well as in the profession of teaching, and the perfection of the system of public school instruction is one of the wisest and noblest objects of legislation. All of the different institutions of learning would be strengthened and their usefulness increased by bringing them together in a closer union, which possibly can be best accomplished by the creation of a general Department of Education.

Serious complaints have been made concerning the neglect of the education of the children in the alms



the Legislature of a danger as respects her finances, of which there is no ground. It remains for it to determine whether the danger shall be averted against the occurrence of a great calamity.

#### EDUCATION.

The report of the Superintendent of the Common Schools is a full view of our excellent system of public instruction, which is widely diffusing its blessings by securing a sound and substantial education to all the children of the State. A brief summary will give an idea of the immense proportions it has attained and the vast amount of usefulness of which it is capable.

At the close of the year the number of school districts in the State was 1,889; the number of schools, 17,471; enrolled scholars, 214,711; school directors, 11,534; county, city and town superintendents, 68; teachers, 16,021; pupils, 78,089; the cost of tuition, \$3,028,166.71; building, \$1,092,705.68; contingencies, \$790,870.00; total in building and contingencies, \$5,081,541.39; and the amount expended for all purposes related to schools, \$5,190,750.17.

Your attention is particularly invited to the want of uniformity and constant change of books in the public schools. These are matters of serious inconvenience and needless expense to the poor, and might easily be remedied by judicious legislation.

The chief aim of our system of common schools is to



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and poor houses of some of the counties of the State. They are permitted to grow up in idleness and ignorance, and when sent upon the world to earn a living are better prepared to receive lessons of vice than those of usefulness. The directors of these institutions should be compelled, by law, to send such children to the common schools, or provide proper schools for them, and it should be made the duty of common school superintendents to supervise and enforce the execution of the law.

#### SOLDIERS' ORPHANS' SCHOOLS.

The last annual report of the Superintendent of the Soldiers' Orphans' Schools was made up to include the 30th of November, 1866. The appropriation for that year, extending from January 1, 1866, to January 1, 1867, was insufficient to cover the expenses of the whole year, and consequently those of December, 1866, were unpaid. The next appropriation, under the present law, extends from January 1, 1867, to June 1, 1868. It was, therefore, determined that there was no legal authority to apply any part of it to the payment of expenses prior to January, 1867; hence those incurred in December, 1866, amounting to \$31,049.77, remain unpaid.

Hon. Thomas H. Burrowes, who was appointed Superintendent by my predecessor, continued in office until May 1, 1867, when, under the act of April 9, 1867, I appointed Colonel George F. M'Farland, Superintendent, Rev. C. Cornforth, Inspector and Examiner, and Mrs. E. W. Hutter, Assistant, who at once entered upon the discharge of their duties by visiting and reorganizing the schools, correcting abuses which had crept into the local management of some of them, and in settling arrearages, which was done with zeal, fidelity, and commendable promptitude.



The present Superintendent reports the expenditures for the eleven months ending November 30, 1867, as follows:

Education and maintenance, .....	\$341,889 85
Partial relief, .....	210 00
Clothing furnished 1,988 children, in advanced schools, .....	37,187 83
Making and repairing clothing, freight, &c., .....	8,350 74
General expenses, .....	6,781 60

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Total amount, from January 1, to December 1, 1867, .....	\$394,420 02
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The expenses for the six months, from December 1, 1867, to June 1, 1868, are estimated by the Superintendent, as follows:

Education and maintenance of 1,850 children, in advanced schools, at \$140 per annum, .....	\$129,500 00
Education and maintenance of 500 children in primary schools, at \$125 per annum, .....	31,250 00
Education and maintenance of 1,050 children in "Homes," at \$105 per annum, .....	55,125 00
Clothing 1,850 children, at \$25 per annum, .....	23,125 00
Transferring pupils, salaries, &c., ....	3,975 00

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Estimate for six months ending June 1, 1868, .....	242,975 00
Total actual and estimated expenses for seventeen months, from January 1, 1867, to June 1, 1868, .....	\$637,395 02

Or, at the rate of \$449,925.80 per annum.



From which deduct total amount appropriated for seventeen months, at \$350,000 per annum, ..... 495,833 33

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And a deficit for seventeen months is shown, of, ..... \$141,561 69

Or, at the rate of \$99,925.80 per annum.

Add the amount due for December, 1866,. 31,049 77

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And it exhibits the total deficit from December 1, 1866, to June 1, 1868, to be provided for by special appropriation, ..... 172,611 46

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I do not deem it inappropriate here to state that if the bill which passed the House at the last session had become a law, making an appropriation of \$450,000 per annum for the orphans' schools, it would have been sufficient to have paid the total expenses.

The estimates for the year ending June 1st, 1869, will be found fully set forth in the report of the Superintendent. From that report it will also be seen that there are in operation thirty-nine orphan schools and homes, having in charge an average of two thousand nine hundred and thirty-one pupils, for the year ending November 30, 1867, at an average cost of one hundred and forty-eight dollars and forty-three cents per annum.

These schools have doubtless reached their maximum numbers. Sixteen years being the age at which the orphans cease to be chargeable to the State, and they will henceforward decrease in the following ratio, viz: 374 will reach that age in 1868, 329 in 1869, 348 in 1870, 403 in 1871, 479 in 1872, 460 in 1873, 416 in 1874, and 344 in 1875, after which there probably will not be more than 600 remaining in the schools. Should



the term be reduced to fifteen years, as has been proposed by some, fully one-fifth of the number now in the schools would enter upon trades or business within the present year.

No calculation can furnish an estimate of the benefits and blessings that are constantly flowing from these institutions. Thousands of orphan children are enjoying their parental care, moral culture, and educational training, who otherwise would have suffered poverty and want, and had been left to grow up in idleness and neglect. Many a widow's heart has been gladdened by the protection, comfort and religious solicitude extended to her fatherless offspring, and thousands are the prayers devoutly uttered for those who have not been unmindful of them in the time of their affliction. In making the generous disposition it has done for these destitute and helpless orphans, the Legislature deserves and receives the hearties thanks of every good citizen, all of whom will cordially approve a continuance of that beneficence. In shielding, protecting and educating the children of our dead soldiers the Legislature is nobly performing its duty. Those children are not the mere objects of our charity, or pensioners upon our bounty; but the wards of the Commonwealth, and have just claims, earned by the blood of their fathers, upon its support and guardianship, which can only be withheld at the sacrifice of philanthropy, honor, patriotism, State pride, and every principle of humanity.

#### AGRICULTURAL COLLEGE.

The act of Congress of July 2, 1862, granted land scrip to the several States, to be appropriated to the maintenance of colleges, whose leading object it shall be to give instruction in the sciences which minister to agriculture and the mechanic arts. By the rule of apportionment, adopted by Congress, 700,000 acres fell



to the share of this Commonwealth. The act of Assembly of February 19, 1867, appropriated the benefit of the whole of that grant to the Agricultural College of Pennsylvania, which has thereby become subject to the supervision and guardianship of the State. I therefore invite your attention to the organization and condition of that institution, as exhibited by the president of the board of trustees, in his report for the year 1867, which will be laid before you. The commissioners appointed by the Legislature to sell the land scrip have completed the sales, which amount to \$439,186.80. In accordance with the act of Assembly, the one-tenth of the proceeds has been applied to the purchase of sites for "Model and Experimental Farms," and the residue invested as follows: \$126,000 in United States 5-20 bonds; \$20,000 in Pennsylvania war loan, and \$235,000 in the Pennsylvania bonds of 1867.

The college has been thoroughly re-organized in order to make it fully respond to the objects and requirements of the act of Congress and to the educational interests of the industrial classes, and to meet these ends it now gives courses of instruction in general science, agriculture, mechanical and civil engineering, metallurgy and mining, ancient and modern languages, and military tactics, employing a faculty comprising six professors and two instructors in the college department and three instructors in the grammar school. This important educational enterprise in the interests of agriculture and the mechanical arts deserves favorable consideration.

#### MILITARY.

An adequate preparation in time of peace is a preservative against the probabilities and contingencies of war. This oft repeated axiom was not sufficiently realized before the rebellion, for, when it broke out, it found the nation wholly unprepared. Had it been



otherwise, the war which continued through a period of four years, and cost the country millions of treasure, hundreds of thousands of lives, and an incalculable amount of suffering and want, would have been of comparatively short duration, if not crushed in its incipency. That war, however, has not been without its useful lessons. It has taught the necessity of adhering to principles in practice which we have heretofore only acknowledged in theory. It has trained many thousands of our young men in the science of arms and infused among them a spirit of military ardor which may safely be relied on in any future emergency, and paved the way for the establishment of military organizations that will prove a safeguard and honor to the State. The Legislature, availing itself of these facts, should adopt a liberal and effective system for increasing and regulating the volunteer militia. The law of 1864, though excellent in many respects, does not meet the requirements of the times, and alterations and amendments are needed before it can accomplish all the contemplated and desired objects. The minimum of men necessary to form a company is entirely too high, and in many places where smaller companies would be formed, it is impossible to raise them in accordance with the ratio established by the act. From the report of the Adjutant General, it will be seen that there are now but thirty-eight uniformed companies in the State, comprising only about three thousand men, whilst the suggested amendments, which should be made as early as possible, would increase these organizations to any desirable extent, and tend to renew and keep alive in our soldiers the proud memories of the service and to preserve the military ardor born of our recent struggles for national existence.

#### NEW ARSENAL.

The Necessity for a new arsenal, affording a place



of safe deposit for ordnance, ordnance stores and a magazine, is so obvious as to require nothing more on my part than to call your attention to the subject, and to ask that authority be given and an appropriation made for the purchase of a site and for the erection of suitable buildings for the purpose indicated.

#### REYNOLDS MONUMENT.

Agreeably to the requirements of the act of Assembly, entitled "An Act to authorize the Governor to transfer to the Reynolds Monument Committee unserviceable and condemned ordnance," approved March 7, 1867, I caused the ordnance in the arsenal to be inspected and turned over to the committee for the purpose indicated five condemned six-pounder brass cannon, weighing in the aggregate three thousand seven hundred and forty-eight pounds.

#### HISTORY.

In 1864 the Legislature made an appropriation for the purpose of having prepared and published a complete history of the military operations of the State in reference to the late war. My predecessor appointed Samuel P. Bates, Esq., for the purpose of consummating the provisions of that act, who proceeded to collect the necessary materials and to prosecute the work.

Although the country has again been restored to peace, the people continue to feel a deep interest in all that relates to the struggle which so recently convulsed the nation. In the prosecution of the war Pennsylvania, always among the first to answer the country's call, gave additional evidences of her devotion to liberty and to the nation's glory. Over three hundred and sixty thousand of her sons stood in the ranks of the Union army. Many have fallen, and nearly thirty thousand by wounds and disease received in



the field, repose in death. To commemorate their heroism, to preserve their names and perpetuate the record of their deeds are among the objects of the work in progress. In its pages will be found an account of each and every military organization of the State; the officers and men of whom they were composed; the name of every individual, with his place of residence, time of muster, date of discharge, and the special acts by which he was distinguished, as well of the dead as those who have survived.

#### TRANSPORTATION DEPARTMENT.

The Department of Transportation, created during the war, has accomplished its purpose, and ceased to exist by the determination of the Legislature, expressed in the appropriation bill, approved April 11, 1867. The report of the Superintendent shows that for the year ending November 30, 1867, the whole number of claims settled and paid was eight hundred and eighty-two. These were for the disinterment of the bodies of deceased Pennsylvania soldiers on distant battlefields and transportation to the homes of their relatives, and the total expenditures were thirty-two thousand five hundred and thirty-nine dollars and forty cents. There remain unsettled one hundred and twenty-three claims, amounting to about four thousand dollars, for the payment of which and some unsettled transportation, an appropriation of four thousand five hundred dollars will be required.

All the papers and business of the Department have been transferred to the office of the Adjutant General.

#### STATE AGENCY.

During the war a State Agency, for the examination, adjustment and collection, free of expense, of military claims, was established at Washington. for



the maintenance of which the Legislature, with commendable liberality, has annually made the necessary appropriations.

In January last, Col. John H. Stewart, of Allegheny county, was appointed Agent, and Lieutenant Colonel Wm. A. Cook, Assistant. After a faithful and efficient performance of its duties until 31st of October, Col. Stewart resigned in consequence of domestic afflictions, when Col. Cook was promoted to fill the position, and Lieutenant Col. J. Copelan, appointed Assistant.

During the year ending December 15, 1867, one thousand seven hundred and eighteen claims have been settled, and three hundred and twenty-one Treasury certificates collected, amounting to \$241,669.43. Two thousand one hundred and twenty-nine new cases remain unsettled, the most of which will probably be settled by the 30th of June next, at which period the appropriation terminates. When this is exhausted, the Department will have doubtless fulfilled its mission, and the documents and the papers can be transferred to the Adjutant General's office.

#### CEMETERIES.

The reports of the commissioners appointed under the act of March 12, 1867, to investigate the transactions relating to certain cemeteries are herewith presented.

The work at the Gettysburg cemetery is progressing, but with less expedition than was contemplated, in consequence of the difficulty of procuring such blocks of marble as were required for statuary.

The appropriation of three thousand dollars to the cemetery at Antietam has been withheld, as it appears from the act of incorporation by the Legislature of Maryland and the resolutions of the board of trustees, that the rebel dead are to be interred within the en-



closure and to be honored with the same memorials as the Union soldiers who are there buried.

The custom has ever prevailed to specially honor those in death who won special honor by meritorious lives. The monuments reared to the memory of departed worth bear ample testimony that our people have not been unmindful of this custom. But where were such memorials ever erected for men whose actions were infamous, and who perished in an ignoble cause? Who would glorify the treason of Benedict Arnold with such monuments as have arisen to the memory of Washington? Who would dare to insult the loyal heart of this nation by proposing to lay, side by side, in the same sepulchre, the body of the assassin Booth and that of Abraham Lincoln? No loyal man would take the heartless Wirz and the other demons that presided over the prison dens of cruelty, starvation and death, and the executed conspirators against the nation's illustrious chief, and deposit them in the same tomb with the patriotic men who sacrificed their lives in battling for "the right against the wrong." Yet it is proposed that the loyal States construct cemeteries for their heroic dead, and then desecrate them by the burial therein of those who prosecuted against the country a warfare which for its diabolical ferocity is without a parallel in the history of civilization, and even to erect monuments to their memory. Carry out this purpose and what inducement can be hereafter offered to the loyal citizen to fight against treason, when he feels assured that should he fall in battle the traitor's grave will be honored equally with his own?

The cause of the Union was a holy one, while that which opposed it must have been its converse. To one side alone the glory belongs. This was not a war of nations but of treason against loyalty. It was a contest of rebels who would have drained the life's



blood of the government which had nurtured and protected them, against its patriotic sons who fought to save it from destruction. It was a war carried on by the defenders and promoters of oppression against the friends and lovers of liberty and their country's integrity.

While there is no reasonable objection to giving decent sepulture to the rebel dead, those who consider them deserving of honorable testimonials may bestow them. It is our duty to render honor only to whom we believe honor is due.

#### MONUMENT TO DECEASED SOLDIERS OF THE MEXICAN WAR.

The commissioners appointed under an act of the Legislature, approved April 22, 1858, "to contract for, and superintend the erection of a monument to the memory of citizens of Pennsylvania who were slain or lost their lives in the late war with Mexico," have contracted for the erection of a monument, in a prominent portion of the Capitol grounds, and the work is progressing as rapidly as circumstances will permit. The appropriation of \$6,000, to which the commissioners are limited, is inadequate for the object contemplated. The lowest bid for the contract was \$8,200. I join the commissioners, therefore, in requesting an additional appropriation of three thousand dollars, to be used, or so much thereof as may be necessary, to complete the undertaking.

Your patriotism will doubtless give a favorable response to this request, and the enlightened people of the Commonwealth, rising above selfish and partisan feelings, will sanction such expenditure for the erection of this honorable memento. A State that has been prodigal of her millions in the employment of her physical resources and in the performance of every noble and disinterested act which philanthropy could



suggest, cannot forget her gallant sons whose sufferings and sacrifices for their country have never been fully appreciated, and whose remains repose among strangers, in a foreign land, without a stone, however rude, to indicate their last resting places, or distinguish their graves from those of their fallen enemies.

#### BURIAL OF DECEASED SOLDIERS IN THE HARRISBURG CEMETERY.

A communication from the board of managers of the Harrisburg cemetery is herewith transmitted, to which your attention is invited. The subject of which it treats, relative to the burial of deceased soldiers during the late war, is worthy of legislative consideration.

#### CHARITABLE INSTITUTIONS.

The Pennsylvania Institute for the Deaf and Dumb, the Institution for the Instruction of the Blind, the Training School for Feeble-Minded Children, the Northern Home for Friendless Children, the Houses of Refuge, several Soldiers' Homes, and other similar charities, which have received aid from the State, all, in their different spheres, accomplishing much good for the unfortunate classes for whose benefit they were established.

Detailed accounts of the affairs of the Pennsylvania State Lunatic Hospital, at Harrisburg, and of the Western Pennsylvania Hospital, at Pittsburg, will be found in the reports of the trustees and superintendents. Both these institutions, as well as others in the State for the care of the insane, are crowded. The infirmaries for the hospital at Harrisburg, for which appropriation was made last year, with a large number of additional wards, have been erected, and will be ready for occupation during the winter. A liberal appropriation for the Western Hospital was devoted to



the erection of buildings, on the Ohio river, seven miles below Pittsburg, known as the Dixmont Hospital for the Insane. The great increase of population renders necessary the establishment of other institutions of this kind. It is estimated that the ratio of the insane is one to every thousand persons, and on assuming the population of the State to be about three millions five hundred thousand, we have about three thousand five hundred insane. The hospitals in the State afford accommodation for only two thousand. Hence there are fifteen hundred for whom no provision is made, and many of them are languishing in the county prisons and almshouses.

#### REVISION OF THE CIVIL CODE.

Pursuant to the first section of a joint resolution of the Legislature approved on the 10th of April last, Hon. David Derrickson, W. Maclay Hall, Esq., and Wayne M'Veigh, Esq., were appointed "revise, collate and digest all such public acts and statutes of the civil code of this State, as are general and permanent in their nature." These gentlemen have commenced the work assigned them, and from which the following benefits are hoped to be derived:

First. The correction of the redundancies, omissions, repetitions and inconsistencies of the existing statutes.

Second. The framing of general laws as substitutes for the innumerable local statutes, which for many years have comprised the bulk of the acts of Assembly and occupied the attention of the Legislature to the detriment of general legislation.

Third. The conferring upon the courts many powers now exercised by the Legislature, and which, it is believed, will greatly relieve that body by decreasing the demand for special legislation and allowing ampler opportunity for the consideration of the public interests.



The gentlemen comprising the commission have prepared a large number of bills, most of which will be laid before you at an early day. The most important of these, which the commissioners, in harmony with my own views, are of the opinion should receive early and favorable action of the Legislature, are those relating to corporations, the poor, public highways, railroads, evidence and interest. The others, with, perhaps, a few exceptions, might be left unacted upon until the entire work of revision is completed. The enactment of the bill on corporations into a law, at an early period of the session, would, doubtless, serve to prevent much legislation that might be called for on subjects which the bill itself contemplates and for which it makes ample provision. The bills relating to the poor and to public highways demand early attention, as the laws now in force on these subjects are so numerous and diversified that scarcely any two counties in the State are controlled by the same law, and it is earnestly to be desired that they receive the earliest practicable sanction of the Legislature.

The commissioners desire to be allowed, so far as possible, to complete the work and present it as a symmetrical whole, rather than in detached parts, and express their opinion relative to the time requisite for its satisfactory completion. They ask a repeal of so much of the first section of the joint resolution as excepts from their labors "those statutes revised, codified and enacted under the resolution approved March 23, 1830," and an amendment of the fourth section, so as to extend from "two" to three years, the time allowed for the completion of the work. The proposed amendments will give them control of the whole body of the statute law, and such allowance of time as they deem necessary for its satisfactory revision. The accumulation of our public statutes, during a period of nearly two centuries, can hardly fail to pre-



sent a confusion which it is eminently desirable should be corrected; and the only practicable mode of accomplishing this is the one indicated by the resolution of the last Legislature, and having confidence in the gentlemen selected for this work, it is due to them, as well as to the public, that they should not be restricted, either as to time or by exceptions, which would prevent a perfect and desirable embodiment of public statutes.

The task is one of more than ordinary magnitude, requiring deliberate consideration, critical acumen, and careful comparison and arrangement, together with high order of talent, literary attainments, legal research and energetic industry, to bring it to that perfection which its importance demands and the Legislature intended and will doubtless expect.

#### TAX LAW.

The Auditor General, Secretary of the Commonwealth and State Treasurer, appointed by the Legislature at its last session to revise and digest the tax laws of the State, have discharged that duty. Their report will be submitted at an early day, and I bespeak for it that careful examination which the importance of the subject deserves.

#### PUBLIC NOTICE TO BE GIVEN OF CERTAIN BILLS.

Your attention is also invited to the acts of May 13, 1857 and April 2, 1860, (Digest, page 43,) requiring public notice to be given of the application for all private acts relating to real estate and for acts of incorporation. The wisdom and justice of these are manifest, and their enforcement cannot be otherwise than beneficial.

#### LEGISLATION.

At the last session certain bills were passed in which large numbers of citizens were deeply interested, the



responsibility for which, after the adjournment, but few members could be found willing to assume, or even to admit any knowledge of their passage. It is expected that every legislator should be acquainted with all that is transpiring in the legislative halls. He is not simply chosen to give his support to certain bills which have been called to his individual attention, but to be constantly on the alert to frustrate every act that may have a tendency to jeopardize the public interests. To plead ignorance after a real or imaginary wrong has been done, is to acknowledge a want of attention to the trust reposed by his constituents. One bill, the authorship and knowledge of which has been generally disclaimed, passed both branches of the Assembly, and was sent in due form, with the signatures of the proper officers, for the Executive approval, and in several instances bills were passed and sent for approval in duplicate. All such hasty and careless legislation should be avoided, and the members of the session now about to commence be enabled at its close to give an account of their participation in every act, however unimportant. The Legislature, coming as it does, fresh from the ranks of the people, should set an example in economy, retrenchment and reform. It is the custodian of the public interests, and any unnecessary extravagance or prodigality in the expenditure of public money is reprehensible. It was a matter of common notoriety at the last session that a number of subordinate officers, in both branches of the Assembly, were appointed, to whom liberal salaries were paid, and who were never seen at their designated posts, and rendered no service to the State. This practice has been emphatically condemned by the press and the people, and will not be continued by any Legislature which means to acquire a reputation for a faithful performance of duty. Your attention is respectfully invited to the



law on this subject as contained in sections fifteen and eighteen of the act approved the 7th day of May, 1855.

#### ANNUAL APPROPRIATIONS.

Your attention is directed to the practice of withholding the annual appropriation bill until the latest moments of the session. In the public estimation great importance is attached to this bill, and no action of the Legislature undergoes a closer or more careful scrutiny. Its provisions concern the entire community, and in their enactment too much caution cannot be observed. Last year the appropriation bill was not passed until the last night of the session, when it was hurried through both branches of the Legislature, and on the following morning presented for approval, without affording time for the necessary investigation, and subjecting the Executive to the alternative of signing it with all its imperfections, or suspending, for the ensuing year, the indispensable means for the operations of the State Government. It is, therefore, earnestly desired that the appropriation bill be taken up, discussed, and passed at a sufficiently early period during the session to enable it to receive that thorough examination which its importance demands.

#### PERQUISITES OF OFFICE.

Very many serious complaints have been made for many years past relative to the disposition of the debris which annually accumulates about the Capitol. This seems to have been regarded as legitimate perquisites of certain attaches of the several legislative and other departments, and has consequently led to practices which should be prevented. It is alleged that valuable property has thus been taken possession of and applied to personal uses, or sold for mere nominal sums, and the amount obtained privately appropriated. A remedy for this evil is to allow no perquisites what-



ever to any of the employees of the government. Salaries, sufficient in all cases for the services rendered, should be appropriated, beyond which no other consideration should be allowed. The adoption of this principle would remove the temptation for young men in the departments to resort to improper practices. All the public property, of every description, as well as the buildings and grounds, should be placed in charge of the superintendent appointed for that purpose, chosen for his known integrity and general capability, and required to give sufficient bonds for the faithful performance of his duties. All property and material not needed for public use, the superintendent should be required to sell at public sale, and pay over the proceeds to the State Treasury.

#### GENERAL RAILROAD LAW.

The subject of a general railroad law has long been agitated, and although it has found opponents, but few objections have been urged against it, whilst arguments accumulate in its favor. It seems impossible that any person can receive injury from its adoption, whilst its benefits may be felt by all classes of citizens. Even the chartered companies have no reasonable grounds for opposition. The intention of the proposed law is not to deprive them of any vested rights or franchises; but to secure to others the same privileges and opportunities for completion. It will open new avenues to distant markets; improve the value of property; give new impulse to immigration; put additional lands under cultivation; stimulate trade, agriculture, manufactures and mechanic arts to increased energy; furnish greater inducements and facilities for travel, and add to our general prosperity. Other States have tried the experiment with satisfactory results, and there is no reason why Pennsylvania should be a laggard in the grand march of progress and improvement.



Next to the importance of creating additional railroads on the free principle, is the reduction of charges for passage and freight to minimum rates. This is a matter that concerns every individual. Transportation will increase in quantity in proportion to the reduction of its cost, and as the facilities increase and the costs decrease, the more vigorous will be the development of our industrial resources. Railroads will derive more benefit from low than from exorbitant charges. The increase of travel and freight will be vastly greater than the increase of expense. The transportation of a loaded car costs but little more than that of one that is empty. In the matter of passengers alone, it is reasonable to suppose, that the lower rates of fare, the greater will be the number of persons to avail themselves of the privilege of railroad transportation. The same is true in regard to freight; for the engine that draws a half-dozen cars, can with nearly equal facility propel a larger number. Moreover, the road that is worked to its utmost capacity must necessarily, at very reduced rates, acquire greater profits than one that transacts but a small portion of the business for which it is competent. The adoption of a system of uniform rates for passengers and freight so graduated as to be profitable to all immediately interested in the use and conduct of such works, would be productive of decided benefit in lessening the prices of food, clothing, fuel, and all the necessities of life, to every citizen of the Commonwealth.

#### INSURANCE DEPARTMENT.

My attention has been called to the subject of insurance, and so important does it appear, that I deem it worthy of legislative consideration. Many millions of dollars are now involved, in the United States, in insurance, and the amount is being rapidly increased. To guard the interests of insurers, our laws are in-



adequate, and therefore need a thorough revision. Laws have been established in several of our sister States, and so successful have been their operations that the insurance companies acting under them command a respect and confidence which is not extended to those of Pennsylvania. Whilst a large portion of the insurance business of New York is done in this State, some of our companies have recently abolished their agencies in New York, because, as they say, no one there will insure in a Pennsylvania company, in consequence of the laxity of our insurance laws. The policies of many organizations, under our present laws, are alleged to be worthless; and although they are continually failing, others of similar character are starting into existence. Within a few months five fire insurance companies have failed, one of which had issued policies to over one million dollars, and other serious defections are of frequent occurrence.

In view of these facts and the costly experience of the people, I would recommend the establishment of an Insurance Department, similar to those in New York and Massachusetts, that shall have supervision and control over all companies allowed to transact business within this State. Such enactment is required for the security of our citizens. Millions of dollars are paid out by them annually for insurance—much of it under such circumstances as to render it impossible for a private individual to know whether the company to which he pays is, or is not reliable. Careful supervision, by a superintendent appointed by law, and published reports of the same, under oath, would prevent much loss and fraud.

The security of the companies themselves require an Insurance Department. The people demand protection from ignorance, fraud and insolvency. Consulting the insurance journals, we find that as a general thing, Pennsylvania insurance companies are ac-



quiring an unenviable reputation abroad, affecting the honor and good name of the State. The great purpose of the proposed department, should be protection. But in connection with it there must be fees sufficient to cover all its legitimate expenses and prevent its becoming a burthen to the Commonwealth.

#### GAS.

Complaints have been laid before me by the consumers of gas in our large cities, and from a sense of duty and respect to them I lay the matter before you. It is stated that they have no appeal or satisfactory mode or redress for alleged impositions of the gas companies. To what extent these complaints are just it would be difficult to ascertain, but that there is cause for some of them may properly be inferred from the number, intelligence and respectability of the parties by whom they are made. There is no reason why such a state of things should continue to exist, whilst the people, through their representatives, have an easy and effectual remedy.

The Legislature of a neighboring State has created the office of Inspector of gas and gas metres. A bill might be enacted creating a similar position in any city in which it may be required in this State, and such arrangements made as would ensure justice to consumers and producers without being an expense to the State.

#### STATUES FOR THE CAPITOL AT WASHINGTON.

Accompanying this bill will be found a circular from numerous members of the Senate and House of Representatives of the United States relative to an act of Congress, passed July 2, 1864, inviting "each and all of the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof,



and illustrious for their historic renown, or from distinguished civil or military services, such as each State shall determine to be worthy of this national commemoration." The intention is to place the statues, when furnished, in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart as a hall of national statuary, for that purpose. Other States will doubtless avail themselves of this privilege, and Pennsylvania should not be behind them in thus commemorating the memory of her distinguished dead.

#### PARIS EXHIBITION.

That Pennsylvania might be officially represented in the "Model American School House," at the "Universal Exposition of all Nations," I caused to be forwarded to the American Commissioner at Paris, in July last, a box containing a large number of books and documents relative to the various departments of the Commonwealth, with a request that they be placed in a prominent position, that visitors from distant lands might have opportunity to obtain from their pages a correct idea of the progress and importance of the State. In acknowledging the receipt of this package the Commissioner states that its contents were disposed of as requested. And we are assured that the representation of the extent, characteristics, resources, progress and privileges of our country, as made in the "Farmer's Home," and "Free Common School-House," attracted crowds of curious and interested visitors, and would scatter wide and permanently, in distinct form, the doctrines of our Republic, and "result in a rich return to the United States for the outlay, and a higher appreciation, among the people of Europe, of the statutes and institutions of this land of freedom and equality."



## POLICE FOR THE MINING DISTRICTS.

In conformity to an act of Assembly "for the better protection of person, property and life in the mining regions of this Commonwealth," approved April 12, 1867, and on the earnest appeal of many citizens, I appointed, immediately after that date, a marshal of police and a number of subordinates, to give protection to the inhabitants of Schuylkill and Northumberland counties. In these counties, for a long time previous, crimes of heinous character were of frequent occurrence. Combinations of desperate men were formed to overawe the proprietors and superintendents of the mines, and to control their management. Citizens were murdered in their dwellings and on the roads; others intimidated by threats, were driven from the counties; and a feeling of insecurity and terror very generally prevailed. The administrators of the law seemed powerless to suppress these outrages, or bring the guilty to punishment. Since the appointment of the new police force a remarkable change has taken place. All lawless combinations have been dispersed, the persons composing them having chiefly fled; not a single murder or atrocious crime is known to have been committed; an immense amount of capital that had been withdrawn has returned; and the people enjoy the assurance of safety and protection. A similar state of affairs to that which existed in the counties named is said to prevail in some parts of the oil regions, and applications have been made for the benefit of the above named act. It is, therefore, recommended that its provisions be extended to those, or to any other counties, upon the petition of a sufficient number of citizens, who shall furnish good reasons for desiring their benefits.



**WEIGHTS, MEASURES, &C.**

You will find among the papers I send you, a uniform decimal system of measures, weights, and currencies, including a new method of reckoning circles, time, and longitude, together with the action of the Legislature of Maine in reference thereto. As the subject is one of general importance and interest, it is presented for your consideration.

**FISH.**

Herewith will be found the report of Col. James Worrell, commissioner appointed under the act of March 30, 1866, relative to the passage of fish in the Susquehanna river and its tributaries.

**PENITENTIARIES.**

From reports of the inspectors and directors, it will be seen that, in order to carry out the State Prison system, additional accommodations should be provided, either by erecting extensions to the present buildings, or an additional penitentiary. The appropriation made at the last session for the erection of a hospital in connection with the Western Penitentiary has not been expended, the board of inspectors being unwilling to select a site until it is determined by the Legislature whether or not additional wings or cells will be constructed.

**COUNTY PRISONS.**

Unfavorable reports are made respecting many of the county prisons. Some of them are alleged to be insecure and otherwise unfit for the purposes intended; others are of insufficient capacity and so overcrowded as to endanger the health of the inmates; while the management and discipline of nearly all might, doubtless, be materially improved. The policy



is not a sound one that crowds together, indiscriminately, children and others convicted of their first and trifling offences, with men and women whose whole lives have been blackened with crime.

#### PRISON COMMISSIONERS.

In accordance with the act of Assembly, approved on the 17th of April last, Messrs. William H. Armstrong, of Lycoming county, Theodore H. Nevin, of Allegheny, Wm. M. Watts, of Cumberland, and Alexander Henry and N. B. Browne, of Philadelphia, were appointed commissioners "to inquire into the various systems of prison discipline as practiced in other State and countries." These gentlemen entered upon their duties and have visited various prisons, one of their number having gone to Europe for that purpose. The act, however, requiring them to report to this session of the Legislature does not allow them sufficient time to do justice to the subject, and they ask an amendment extending the time for their report until the session of 1869.

Among the accompanying papers will be found a report by Mr. Mahlon H. Dickenson, who was appointed in conformity with an act of the last Legislature, "to visit, for philanthropic purposes, the prisons and alms-houses in the various counties of the Commonwealth." The report will be found interesting in all its details, and the writer's suggestions deserving of especial attention.

#### PARDONS.

A report is herewith submitted of the pardons, remissions of fines, forfeited recognizance and death warrants, issued by me during the past year, with a tabular statement of those issued from 1791 to the present time. This report is made in accordance with a sense of duty to the Legislature and the public who have a



right to be informed in what manner and to what extent the Executive clemency has been employed toward convicted criminals. It is also due to the Executive himself that his action in this regard should be understood. On no subject has there been greater misrepresentation than on that which relates to the exercise of the pardoning power. Accusations have repeatedly been published of its abuse, and cases have been cited in proof thereof, which were never even presented to my notice. Criminals were liberated from prison after sentence, and clamors raised in relation to their pardon in cases in which no appeal for clemency had ever been made. Upon investigation, it has been ascertained that a custom prevails in the court of quarter sessions of Philadelphia, to re-consider, remit and change sentences, weeks and months after their delivery, and in this, much of the misrepresentation has originated. During the last year, as many convicts were thus liberated from the Moyamensing jail as were pardoned by me from all the prisons in the Commonwealth. Besides which a number more have had their terms of sentence reduced. How, or when, or under what authority, this custom originated, it is impossible to learn; but that it is liable to abuse, and is without the sanction of law, seems evident. The sentence of a convict is a matter of grave importance, and should receive most serious consideration before it is determined upon and delivered; for when it has become a matter of record, the criminal passes beyond the jurisdiction of the court, and there is no legal or constitutional remedy, even for errors that may be committed, except through appeal to the Executive. If a judge can remit or shorten a sentence, he can increase it, and that is a power dangerous to allow any one to wield. And further, if it be lawful for the judge of one court to remit sentences at pleasure, it follows that judges of all other courts



should be invested with the same prerogative; and it requires no argument to show to what a dangerous extent it might be used. Happily, the custom appears to be confined to the court named, as judges in other counties disclaim any such authority.

Former Legislatures have had their attention called to the fact that persons are now confined in our county prisons under sentence of death, some of them for many years, whose death warrants were never issued, and towards whom the several Governors, during whose term they were sentenced, could not discover sufficient cause for the exercise of the pardoning power. The custom has been for each Governor to decline issuing a death warrant which had been withheld by his predecessor. Hence, these convicts, sentenced to death, for whose execution the previous Governors did not issue warrants, and whom, it is presumed they believed deserved a milder punishment, must either be pardoned or remain prisoners for life. To remedy this the Governor should be vested with authority to commute the death penalty in the cases only to which allusion has been made, to such a term of imprisonment as his judgment would approve, and to remove the convicts from county jails to the penitentiaries.

#### NATIONAL AFFAIRS.

A brief reference to the condition of the country will be proper, and will doubtless be expected by all who were earnest in their desires and co-operation for the suppression of the rebellion, and who are now equally in earnest in their wishes and endeavors to secure an early, final and permanent settlement of our national difficulties, upon the basis of loyalty and patriotism.

Contrary to the hopes of the great masses of our people, that portion of the country which was lately



in rebellion has not yet attained complete tranquility. And this seems to have been inevitable; for all history teaches that a people who engage in the perpetration of high crimes cannot entirely nor immediately escape their consequences. Nor, perhaps, is it desirable that they should. However this may be, it is certain that perfect repose cannot be secured until the insurrectionary States shall resume their original practical relation to the General Government.

How, when and through whom this can be best done, is the great question of the present.

That the views and conceptions of a single individual, however high he may be accidentally and temporarily exalted, should be allowed to control or determine this question, cannot for a moment be conceded. The Constitution provides that the United States shall guarantee to every State in the Union a republican form of government; and, where the will of the people is the acknowledged law of the land, it requires an extraordinary amount of political effrontery to assume that a Chief Executive of the nation, to any degree or under any circumstances, is the United States.

And yet in effect or substance, if not in plain terms, this was assumed shortly after the surrender of Lee and his armed forces, by the President; and he has continued to act on this assumption, even in his late annual message, in which, while claiming, in words unknown to our forefathers and our institutions, to be the "elected defender" of the people, he arrogantly calls on Congress to "immediately strike from the statute books" its reconstruction laws.

That Congress "will surrender its plan of reconstruction" to this manifestly despotic demand, cannot be even imagined or conjectured. That plan, carefully matured as it was, and fully approved when it was a direct issue before the people, is eminently just,



wise and patriotic. It insists that men who were loyal in acts during the rebellion, or loyal in their feelings, should alone participate in the immediate government of the "insurrectionary districts." Going beyond the mere surface, it rests ultimately on the important doctrine, that the destinies of the nation can only be safe "in the hands of its friends;" of those whose political and moral natures remain sufficiently pure to feel the impulses of patriotism and the obligations of oaths.

That policy which antagonizes the Congressional plan, which has obstructed, and persistently endeavored to defeat it, first ignores all these important considerations. Having done this, it consistently maintains that those who devised the most infamous measures of war, and for years relentlessly perpetrated, in aid of their purposes, theft, plunder, murder, starvation, and assassination—the very leaders of the rebellion—should be allowed, after their involuntary failure, to possess all the rights and privileges of good citizens. That a scheme so absurd and dangerous should be sternly opposed by every true patriot, ought to admit of no doubt. The fact that it has some advocates renders it more important to sustain the contrary proposition.

In my inaugural address, I said, "that Pennsylvania will confide in a loyal Congress, she will not hesitate to sustain it by her influence and power." This I repeat. Nor can I be induced to change this purpose; nor do I believe the people of the State can be, by appeals to the humanitarianism of the age and the invocation of mercy for those whose atrocious deeds have darkened the pages of our history: It has been well said, "the pity of the magistrate which suffers a criminal dangerous to society to escape from deserved punishment, is not mercy, but weakness." True mercy inclines us to pity and relieve the unfortunate and guilty; but only in accordance with justice. And it



may well be added, that it is at least a weakness, if not a crime, to permit unrepentant, and only outwardly subdued traitors, to exercise the elective franchise, hold offices, or take part in the deliberations and legislation of the nation. Its stability and prosperity, the welfare of the people now and hereafter, cannot permit these things to be done.

Individual interests, as well as the general financial condition of our national affairs would be greatly benefitted by the simplification of internal revenue taxation, reducing the number of articles taxed and insuring honesty and faithfulness in collection. The reduction of taxes on the necessities of life and on manufactures that are in competition with the products of foreign labor should be encouraged, while the tax on luxuries and imports should be made sufficient to sustain the expenses of the government.

The people of Pennsylvania, ever true to the Union, and unswerving in their determination to preserve its honor, integrity and perpetuity, are proud and free to assert the sacredness of the national debt, and that its ultimate payment in full must be secured.

As regards the tariff, the protection of home labor and resources, I need only refer to the views expressed in my inaugural. Time and continued reflection have strengthened the views therein expressed. But this subject is committed to the watchful care of our representatives in Congress, and it is hoped their labors will be crowned with the happiest consequences. Surely the United States should protect and defend her own industry and skill—our own toiling millions.

I earnestly invoke the blessing of Almighty God upon your deliberations, and that He will prosper your exertions to promote the happiness of the people and the welfare of our beloved Commonwealth.

JOHN W. GEARY.

JNO. W. GEARY.

Executive Chamber,  
Harrisburg, January 7, 1868.



## PARDON REPORT.

To the Senate and House of Representatives:

Gentlemen:—

Deeply impressed with the importance of the subject, I have the honor to make and request your acceptance of the following report:

The Constitution of the Commonwealth of Pennsylvania confers upon the Governor the power to “remit fines and forfeitures, and grant reprieves and pardons” for offences committed against the laws of the State.

This power has been exercised to a greater or less extent by every Executive since the organization of the State Government, and, as far as I can ascertain from the Executive Minutes of my predecessors, no report of any of the transactions under the foregoing constitutional clause has ever been made. Custom and law require that all the other business of the Governor shall be communicated to the General Assembly for its information. Then why should be withheld the acts of executive clemency affecting the personal liberty of an unfortunate portion of the citizens?

There are but few subjects on which the people are very justly more sensitive than on the pardon of criminals, by which the decisions of the courts are annulled and the punishment for crime is arrested. That the pardoning power, as well as any other of the functions of the Government is sometimes liable to be erroneously used may reasonably be assumed; but in its exercise I have always felt that I was executing a most sacred and conscientious trust, and have endeavored not to impair the supremacy of the law nor weaken the administration of justice by want of discrimination and firmness. Whether I have exercised this important prerogative judiciously or not, every act has been performed with clear views of duty and an approving conscience.



Annexed to the report will be found an aggregate tabular statement of all the pardons, remissions of fines and forfeited recognizances, and restorations to citizenship granted, together with the death warrants issued annually, from the organization of the State Government to the present time.

[DOCUMENTS OMITTED.]



**PARDONS, DEATH-WARRANTS, &C., ISSUED BY THE GOVERNORS OF THE COMMONWEALTH FROM THE YEAR 1791 TO 1868.**

Year.	Pardons.	Death warrants.	Remission of fines.	Remission of forfeited recognizances.	Restoration to citizenship.	By Whom Issued.
1791, .....	87	1	58	2	.....	Thomas Mifflin.
1792, .....	86	2	25	.....	.....	do.
1793, .....	45	1	47	.....	.....	do.
1794, .....	24	.....	51	.....	.....	do.
1795, .....	77	4	69	.....	.....	do.
1796, .....	84	.....	118	.....	.....	do.
1797, .....	85	.....	76	2	.....	do.
1798, .....	62	1	148	4	.....	do.
Total, .....	580	10	606	8	.....	
1799, .....	63	1	71	1	.....	Thomas M'Kean.
1800, .....	104	.....	100	1	.....	do.
1801, .....	60	2	65	.....	.....	do.
1802, .....	77	1	54	.....	.....	do.
1803, .....	155	.....	66	.....	.....	do.
1804, .....	122	.....	56	.....	.....	do.
1805, .....	115	2	155	.....	.....	do.
1806, .....	122	2	90	.....	.....	do.
1807, .....	116	1	75	.....	.....	do.
1808, .....	164	1	77	.....	.....	do.
Total, .....	1,098	10	809	2	.....	
1809, .....	125	4	59	.....	.....	Simon Snyder.
1810, .....	92	.....	59	.....	.....	do.
1811, .....	127	.....	72	.....	.....	do.
1812, .....	111	.....	36	.....	.....	do.
1813, .....	69	.....	30	2	.....	do.
1814, .....	86	.....	38	1	.....	do.
1815, .....	103	.....	94	1	.....	do.
1816, .....	146	1	32	1	.....	do.
1817, .....	146	1	117	8	.....	do.
Total, .....	1,005	6	537	13	.....	
1818, .....	169	4	301	5	.....	William Findlay.
1819, .....	175	2	105	7	.....	do.
1820, .....	186	.....	348	8	.....	do.
Total, .....	530	6	754	20	.....	
1821, .....	59	.....	184	1	.....	Joseph Hiester.
1822, .....	94	2	294	4	.....	do.
1823, .....	107	2	42	2	.....	do.
Total, .....	260	4	520	7	.....	



PARDONS, &C.—Continued.

Year.	Pardons.	Death warrants.	Remission of fines.	Remission of forfeited recognizances.	Restoration to citizenship.	By Whom Issued.
1824, .....	108	3	19	9	.....	do. do. do. do. do.
1825, .....	111	1	23	3	.....	
1826, .....	132	.....	12	1	.....	
1827, .....	123	1	6	1	.....	
1828, .....	120	1	4	3	.....	
1829, .....	142	1	7	3	.....	
Total, .....	736	7	71	20	.....	
1830, .....	49	2	12	.....	.....	George Wolf. do. do. do. do. do.
1831, .....	63	.....	19	2	.....	
1832, .....	53	2	21	.....	.....	
1833, .....	74	1	2	1	.....	
1834, .....	72	2	18	.....	.....	
1835, .....	95	1	22	.....	.....	
Total, .....	406	8	94	2	.....	
1836, .....	287	1	96	2	.....	Joseph Rltner. do. do.
1837, .....	29	.....	.....	.....	.....	
1838, .....	59	5	5	3	.....	
Total, .....	375	6	101	5	.....	
1839, .....	70	4	6	.....	.....	David R. Porter. do. do. do. do. do.
1840, .....	90	1	7	8	6	
1841, .....	51	3	20	.....	11	
1842, .....	101	2	19	10	9	
1843, .....	87	2	34	5	11	
1844, .....	185	2	25	7	20	
Total, .....	584	14	111	30	57	
1845, .....	55	3	11	1	8	Francis R. Shunk. do. do. do.
1846, .....	78	1	28	1	9	
1847, .....	107	4	4	5	10	
1848, .....	35	3	1	1	8	
Total, .....	275	11	44	8	35	
1848, .....	21	.....	1	1	4	William F. Johnston. do. do. do.
1849, .....	99	1	5	1	7	
1850, .....	100	1	7	3	9	
1851, .....	135	1	4	1	9	
Total, .....	355	3	17	6	29	



## PARDONS, &amp;C.—Continued.

Year.	Pardons.	Death warrants.	Remission of fines.	Remission of forfeited recognizances.	Restoration to citizenship.	By Whom Issued.
1852, .....	105	2	.....	.....	11	William Bigler.
1853, .....	94	7	4	2	7	do.
1854, .....	104	2	14	3	19	do.
Total, .....	303	11	18	5	37	
1855, .....	42	.....	5	.....	5	James Pollock.
1856, .....	52	4	1	.....	21	do.
1857, .....	59	4	1	1	11	do.
Total, .....	153	8	7	1	37	
1858, .....	70	6	3	2	12	William F. Packer.
1859, .....	64	3	1	.....	16	do.
1860, .....	75	3	1	.....	6	do.
Total, .....	209	12	5	2	34	
1861, .....	51	3	.....	.....	1	Andrew G. Curtin.
1862, .....	95	2	.....	.....	.....	do.
1863, .....	103	2	4	1	.....	do.
1864, .....	102	.....	3	1	.....	do.
1865, .....	89	1	2	1	.....	do.
1866, .....	249	9	4	6	.....	do.
1867, .....	50	1	1	1	.....	do.
Total, .....	739	18	14	10	1	
1867, .....	52	8	5	4	1	John W. Geary.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Authorizing the Commutation of the Death Punishment in Certain Cases."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**A**FTER MATURE CONSIDERATION OF SENATE bill, No. 280, entitled "An Act authorizing the commutation of the death punishment in certain cases," I am constrained to return it with my objections.

This bill was primarily intended to meet the cases of sundry convicts referred to in the last annual message of the Governor, who are under sentence of death, and not executed, because the out-going executives failed to fix the days of execution, and to sign the death-warrants. These instances exist, not so much by reason of any defect in the present laws, as from a failure properly to execute them. Nevertheless had the bill been confined to these cases, it would have met my approbation.

But, when it is proposed to authorize conditional pardons for all capital offences, in future cases, and to make such pardons dependent upon the recommendation of the judges who tried the offenders, new and grave questions are thereby raised, which I am reluctant to answer by the approval of this bill. The ninth section of the second article of the Constitution empowers the Governor to "grant reprieves and pardons, except in cases of impeachment;" and I have serious doubts whether the Legislature has any constitutional power to make the advice and recommendation of any other person or persons a sine qua non to the granting of a pardon in any case.

Personally, I would cheerfully acquiesce in any reasonable restrictions upon my exercise of the pardoning power; but it is due to the Executive office, that



its constitutional prerogatives should not be taken away or encroached upon by unauthorized or doubtful legislation.

Moreover, the certainty of punishment has always been regarded as important to the due administration of criminal law. This bill, by providing for a commutation of punishment in all future capital cases, adds another to existing chances of escape, in violation of sound public policy.

Other objections might be enumerated against so important a change in the law, but these are regarded as quite sufficient to require a return of the bill without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Divide the Borough of Port Carbon, Schuylkill County, into Two Wards."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH MY OBJECTIONS, Senate bill, No. 443, entitled "An Act to divide the borough of Port Carbon, Schuylkill county, into two wards."

Against the approval of this bill, strong protests are made by a large number of those most interested therein.

It seems to have been gotten up with the design to get the Legislature to take the political power out of the hands of the majority now holding it, by the votes of the people, and to transfer it to those friendly to this bill. Unwilling to encourage such a proceeding,



and satisfied, after careful examination, that no public interest would be promoted by allowing the bill to become a law, it is herewith returned without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Extending to the Borough of Mount Washington the Vehicle License Law, and Relative to the Collection of Taxes and Construction of Board Walks Therein."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH MY OBJECTIONS. Senate bill, No. 909, entitled "An Act extending to the borough of Mount Washington the vehicle license law, and relative to the collection of taxes and the construction of board-walks therein."

It is apparent from the face of this bill, that the borough of Mt. Washington is already under the general borough law of 3d April, 1851. That law confers ample authority on the borough "to require and direct the grading, curbing, guttering and paving, with such materials as they may designate," all side-walks and foot-ways therein; and at the expense of the lot owners, or the borough, as may be deemed best. Hence, the propriety of conferring, substantially, the same powers by this special act is not apparent.

The general law was carefully prepared, and is well adapted to effect the ends intended, but the whole of its beneficent objects are ignored and defeated, if every borough is permitted to have legislation as if no general law existed.



the election of any number of additional justices of the peace, not exceeding five, as may be mentioned in said petition;" and then prescribes at length, and in detail, a mode of conducting the election.

The objections to this feature of the bill are substantially the same as those already made to the preceding sections. In the first place, the whole subject is already provided for by the fourth section of the act of 21st of June, 1839; and in the next place, the new mode of election proposed is in violation of the Constitution of the State. The seventh section of the sixth article declares, that "Justices of the peace or aldermen shall be elected in the several wards, boroughs and townships, at the time of the election of constables, \* \* \* but no township, ward or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough."

Previous legislation, and the uniform practice heretofore, has been to have the necessary "consent" obtained before the holding of the election for the increase of justices. This bill proposes a scheme by which the consent, and the election of the increased number of justices, shall be contemporaneous.

Possibly the Constitution might be so construed as to warrant this, but I doubt it. But the Constitution requires that justices of the peace "shall be elected in the several wards, boroughs and townships, at the time of the election of constables."

This bill provides for a special election to be held at a time and place to be mentioned in said order of the court for the election. This is so plain a violation as to be unquestionable, and cannot be permitted. The Constitution having fixed one time for such elections, it is not competent for the Legislature to fix another.

JNO. W. GEARY.



To the Assembly Vetoing "An Act in Relation to the Re-election of the Treasurer of Lycoming County."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 1367, entitled "An Act in relation to the re-election of the treasurer of Lycoming county."

The general law for the election of county treasurers, approved 27th of May, 1841, fixes the official term at two years, and declares: "nor shall any county treasurer serve in such office for more than two years in any term of four years."

This was no doubt intended to necessitate a settlement of accounts and the actual payment of all balances on hand, at least once in every two years; and thus to prevent the covering up of defalcations to the prejudice of the public. I cordially approve the manifest policy of this law, and can imagine no good reason why it should not continue to apply to all counties alike.

I have just returned to the House with my objections, bill, No. 1607, proposing to change the law in this respect for the county of Mifflin. This change would no doubt be to the advantage of the present incumbent in Lycoming county; but the object of all laws should be the public interest, and not personal benefit. It may be that in this particular instance no harm would ensue, but the principle involved is an erroneous and dangerous one, which ultimately might work incalculable mischief.

Special legislation is one of the great evils of the times, and should only be sanctioned where the reasons for it are manifest. We now have a general law on the subject for the whole State, and that general law



is right in principle, and has worked well in practice. I am unwilling to encourage special enactments on this important subject, which are manifestly wrong and dangerous in principle; and so regarding this bill, it is returned without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act in Relation to  
Auctions in Beaver County."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH MY OBJEC-  
tions, Senate bill, No. 1366, entitled "An Act  
in relation to auctions in Beaver county."

Heretofore the laws have provided for the appointment of auctioneers by the Governor, and this bill proposes to confer the power of appointment on the county treasurer, so far as relates to the county of Beaver. Whilst this may not be very serious cause for objection, I can see no good reason for making Beaver county an exception to the general law of the State on this subject.

By existing laws, moneys paid by auctioneers, as percentage on excess of sales over and above the amount fixed by law, have been paid into the Treasury of the State, or into the county treasury for the use of the State.

This bill, by repealing the law of 1861, seems designed to deprive the State of this source of revenue, and give it to the county.

This is another special privilege not demanded by any public necessity. Moreover, if the county treas-



urer, as authorized by this bill, may appoint and commission auctioneers, and receive fees and emoluments, without requiring bond for the faithful performance of duty, then there would be no record in the hands of the State officers to show who were auctioneers, and no means to enforce the collection of the ordinary revenues derivable from this source.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Erecting a Fourth Ward in the Borough of Easton, in the County of Northampton."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 1539, entitled "An Act erecting a Fourth ward in the borough of Easton, in the county of Northampton."

This bill is identically the same as House bill, No. 1916, which I have this day returned to the House with my objections. Against its approval, strong protests are filed by a large number of the citizens of the borough, most interested therein. It appears to have been gotten up with the design to get the Legislature to take the political power of the borough out of the hands of the majority now holding it by the votes of the people, and to transfer it to those who approve this bill. Unwilling to encourage such a proceeding, and satisfied, after a careful examination, that no public interest would be promoted by allowing the bill to become a law, it is herewith returned without my approval.

JNO. W. GEARY.



the election of any number of additional justices of the peace, not exceeding five, as may be mentioned in said petition;" and then prescribes at length, and in detail, a mode of conducting the election.

The objections to this feature of the bill are substantially the same as those already made to the preceding sections. In the first place, the whole subject is already provided for by the fourth section of the act of 21st of June, 1839; and in the next place, the new mode of election proposed is in violation of the Constitution of the State. The seventh section of the sixth article declares, that "Justices of the peace or aldermen shall be elected in the several wards, boroughs and townships, at the time of the election of constables, \* \* \* but no township, ward or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough."

Previous legislation, and the uniform practice heretofore, has been to have the necessary "consent" obtained before the holding of the election for the increase of justices. This bill proposes a scheme by which the consent, and the election of the increased number of justices, shall be contemporaneous.

Possibly the Constitution might be so construed as to warrant this, but I doubt it. But the Constitution requires that justices of the peace "shall be elected in the several wards, boroughs and townships, at the time of the election of constables."

This bill provides for a special election to be held at a time and place to be mentioned in said order of the court for the election. This is so plain a violation as to be unquestionable, and cannot be permitted. The Constitution having fixed one time for such elections, it is not competent for the Legislature to fix another.

JNO. W. GEARY.



To the Assembly Vetoing "An Act in Relation to the Re-election of the Treasurer of Lycoming County."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 1367, entitled "An Act in relation to the re-election of the treasurer of Lycoming county."

The general law for the election of county treasurers, approved 27th of May, 1841, fixes the official term at two years, and declares: "nor shall any county treasurer serve in such office for more than two years in any term of four years."

This was no doubt intended to necessitate a settlement of accounts and the actual payment of all balances on hand, at least once in every two years; and thus to prevent the covering up of defalcations to the prejudice of the public. I cordially approve the manifest policy of this law, and can imagine no good reason why it should not continue to apply to all counties alike.

I have just returned to the House with my objections, bill, No. 1607, proposing to change the law in this respect for the county of Mifflin. This change would no doubt be to the advantage of the present incumbent in Lycoming county; but the object of all laws should be the public interest, and not personal benefit. It may be that in this particular instance no harm would ensue, but the principle involved is an erroneous and dangerous one, which ultimately might work incalculable mischief.

Special legislation is one of the great evils of the times, and should only be sanctioned where the reasons for it are manifest. We now have a general law on the subject for the whole State, and that general law



is right in principle, and has worked well in practice. I am unwilling to encourage special enactments on this important subject, which are manifestly wrong and dangerous in principle; and so regarding this bill, it is returned without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act in Relation to Auctions in Beaver County."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH MY OBJECTIONS, Senate bill, No. 1366, entitled "An Act in relation to auctions in Beaver county."

Heretofore the laws have provided for the appointment of auctioneers by the Governor, and this bill proposes to confer the power of appointment on the county treasurer, so far as relates to the county of Beaver. Whilst this may not be very serious cause for objection, I can see no good reason for making Beaver county an exception to the general law of the State on this subject.

By existing laws, moneys paid by auctioneers, as percentage on excess of sales over and above the amount fixed by law, have been paid into the Treasury of the State, or into the county treasury for the use of the State.

This bill, by repealing the law of 1861, seems designed to deprive the State of this source of revenue, and give it to the county.

This is another special privilege not demanded by any public necessity. Moreover, if the county treas-



urer, as authorized by this bill, may appoint and commission auctioneers, and receive fees and emoluments, without requiring bond for the faithful performance of duty, then there would be no record in the hands of the State officers to show who were auctioneers, and no means to enforce the collection of the ordinary revenues derivable from this source.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Erecting a Fourth Ward in the Borough of Easton, in the County of Northampton."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 1539, entitled "An Act erecting a Fourth ward in the borough of Easton, in the county of Northampton."

This bill is identically the same as House bill, No. 1916, which I have this day returned to the House with my objections. Against its approval, strong protests are filed by a large number of the citizens of the borough, most interested therein. It appears to have been gotten up with the design to get the Legislature to take the political power of the borough out of the hands of the majority now holding it by the votes of the people, and to transfer it to those who approve this bill. Unwilling to encourage such a proceeding, and satisfied, after a careful examination, that no public interest would be promoted by allowing the bill to become a law, it is herewith returned without my approval.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Authorizing the Sheriff of Allegheny County to Tax Costs in Certain Cases."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill, No. 1753, entitled "An Act authorizing the sheriff of Allegheny county to tax costs in certain cases."

If the law proposed be proper and necessary for Allegheny county, it would be equally so for every other county in the State; and the law should have been a general one for the whole Commonwealth, instead of special for but one county.

But I more than doubt the propriety of such a law for any county. It proposes to authorize the sheriff "to tax, as costs in each case, the wages of watchmen employed to care for and safely keep property levied upon, attached or seized by legal process, also clerk hire at the sale of personal property."

It is a very general impression that the sheriff of Allegheny county is at least as well paid under existing laws as in any other county, except Philadelphia, and the necessity of passing a special law for his benefit is not apparent. But a more serious objection to the proposed enactment, is the apprehension that it would relieve the sheriff from his common law responsibility for the safe-keeping of goods legally in his custody. This responsibility is of great importance to the public, and is secured by heavy bonds with approved security. This bill proposes to legally transfer the custody of goods, so secured, to irresponsible watchmen, without any provisions that the sheriff and his sureties shall be responsible for their acts or omissions. Regarding such legislation as unwise and dangerous, I cannot give the bill my approval.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the York and Dillsburg Railroad Company."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**B**ILL, NO. 1803, ENTITLED "AN ACT TO INCORPORATE the York and Dillsburg railroad company," is herewith returned to the Senate, in which it originated, with my objections to the same.

The apparent object of this bill is to create a company in the usual form, and to authorize the construction of a railroad from a point "at or near the town of York, \* \* \* \* to connect with the Cumberland Valley railroad, at the most practicable point on said road, or with any road built or to be built in Cumberland or adjoining counties." This is in reasonable accordance with the title of the bill, and indicates only a commendable effort to obtain a proper object in a lawful way. But the bill provides further as follows: "That individuals shall be permitted to run their cars on and over said roads, and the roads which the said road is authorized to connect with, at the rates fixed by the eighteenth section of an act, entitled "An Act approved 19th day of February, 1849." This, in common legislative parlance is a "snake," and should this enactment become a law, the manifest effect of it would be to change the rates of freights and running of cars on the Cumberland Valley railroad, and this too, even though nothing should ever be done towards making the road from York to Dillsburg. From the inaction of the parties, and other facts in the case, there is good reason to believe this was the sole object in procuring the passage of the bill.

Such legislation is not only essentially vicious, but is in palpable violation of the spirit, if not the letter, of the eighth section of the eleventh article of the Constitution, which reads as follows:



"No bill shall be passed by the Legislature, containing more than one subject, which shall be clearly expressed in the title."

One subject of this bill, as indicated by the title, is the creation of a company to construct a railroad from York to Dillsburg. Another subject contained in it is a change of rates of toll on the Cumberland Valley railroad.

These are different subjects, affecting different parties, and to one of them there is no allusion whatever in the title of the bill. Sound policy requires that all proper facilities be furnished for the construction of railroads wherever demanded by the public welfare. But the same policy makes it necessary to guard the constitutional rights of roads already in existence.

Actuated by these principles and convictions, I am constrained to return this bill without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Regulating the Fees of Notaries Public in the County of Allegheny."

Executive Chamber,  
Harrisburg, January 7, 1868.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill, No. 941, entitled "An Act regulating the fees of notaries public in the county of Allegheny."

On the 8th day of April last I approved House bill, No. 1155, with the same title, and almost identically the same in substance. Hence this one is regarded as unnecessary.

JNO. W. GEARY.



To the General Assembly Nominating John Youngman Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, January 9, 1868.

Senators:

**O**N THE 15TH DAY OF JULY, A. D. 1867, I APPOINTED John Youngman, Esq., of the county of Northumberland, to be Superintendent of Public Printing, for the term of one year, subject to the advice and consent of the Senate, and his appointment is hereby submitted for such advice and consent, agreeably to the provisions of the act approved the 9th day of April, A. D. 1856, entitled "An Act relative to the public printing."

JNO. W. GEARY,  
Governor.

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To the Senate Nominating George F. M'Farland State Superintendent of Soldiers' Orphans.

Executive Chamber,  
Harrisburg, January 9, 1868.

Senators:

**O**N THE 29TH DAY OF APRIL, A. D. 1867, I APPOINTED George F. M'Farland, Esq., of the county of Juniata, to be State Superintendent of Soldiers' Orphans, for the term of three years, subject to the advice and consent of the Senate, and his appointment is hereby submitted for such advice and consent, agreeably to the provisions of the act 9th April, 1867, entitled "An Act for the continuance of the education and maintenance of the destitute orphans of the deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the State."

JNO. W. GEARY,  
Governor.



To the Senate Nominating Charles M. Prevost Major  
General of the First Division of Uniformed Militia.

Executive Chamber,  
Harrisburg, January 9, 1868.

Senators:

**O**N THE 27TH DAY OF DECEMBER, A. D. 1867,  
I appointed Charles M. Prevost, of the city of  
Philadelphia, to be Major General of the first  
division of the uniformed militia, composed of the city  
and county of Philadelphia, subject to the advice and  
consent of the Senate, and his appointment is hereby  
submitted for such advice and consent, agreeably to  
the provisions of the act of the fourth day of May, A.  
D. 1864, entitled "An Act for the organization and reg-  
ulation of the militia of the Commonwealth of Penn-  
sylvania."

JNO. W. GEARY,  
Governor.

To the Speaker of the Senate Nominating D. B. Mc-  
Creary Adjutant General of the Commonwealth.

Executive Chamber,  
Harrisburg, January 9, 1868.

To the Hon. James L. Graham,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania, that on the 11th day of October,  
A. D. 1867, I appointed and commissioned D. B.  
McCreary, Esq., of the county of Erie, to be Adjutant  
General of the Commonwealth of Pennsylvania, for  
the term of three years.

JNO. W. GEARY,  
Governor.



Proclamation of Reward for the Apprehension of the  
Murderers of the late John Casey, of Clearfield  
County.

Pennsylvania, ss.

[Signed] Jno. W. Geary.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

A PROCLAMATION.

Two thousand Dollars Reward.  
For the arrest of the Murderers of  
John Casey.

Whereas the Senate and House of  
Representatives have enacted the fol-  
lowing Preamble and Joint Resolu-  
tion, viz: "Joint Resolution relative  
to the death of John Casey."

Whereas during the hearing in the evidence of the  
case of J. K. Robison versus Samuel T. Shugart, one  
of the Sitting Members of the Senate from the Twenty-  
first Senatorial District a certain John Casey was ex-  
amined as a Witness on behalf of the said John K.  
Robison, the Contestant, and the said Casey after his  
examination was waylaid in the County of Clearfield  
and cruelly beaten and abused, so that he has since  
died from injuries received in said beating.

Therefore, Be it Resolved by the Senate and House  
of Representatives of the Commonwealth of Pennsyl-  
vania in General Assembly met and it is hereby en-  
acted by the authority of the same, That the Governor  
be and he is hereby authorized and required to offer  
a Reward of Two thousand dollars for such informa-  
tion as will lead to the arrest and conviction of the  
person or persons who committed the said Offence.



and that the Treasurer of the Commonwealth be authorized and required to pay the said sum out of any money in the Treasury not otherwise appropriated.

Approved the Thirteenth day of February, A. D. 1868.

And Whereas, the reputation of the Government, the peace and security of its citizens and the obligations of Justice and humanity require that the perpetrators of this infamous crime should be brought to speedy and condign punishment.

Now therefore I, JOHN W. GEARY, Governor of the said Commonwealth, in compliance with the said Joint Resolution, and by virtue of the power and authority vested in me Do issue this my Proclamation, Hereby offering a Reward of Two thousand dollars to any person or persons who shall apprehend and secure for trial the Murderer or Murderers of the said John Casey, to be paid upon the conviction of the Criminal or Criminals, and I hereby call on all Officers of Justice and good citizens everywhere to be vigilant and unremitting in their efforts for the apprehension of the said Murderer or Murderers to the end that the outraged laws may be vindicated.

Given under my Hand and the Great Seal of the State at Harrisburg this Fourteenth day of February, in the Year of our Lord One thousand eight hundred and sixty-eight, and of the Commonwealth the Ninety-second.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.



To the Assembly Vetoing "A Supplement to an Act to Incorporate the People's Savings Bank of Pittsburgh, Authorizing Said Bank to Increase its Capital Stock, and to Declare Dividends out of its Net Earnings."

Executive Chamber,  
Harrisburg, February 24, 1868.

Gentlemen:

**A**FTER A MOST CAREFUL EXAMINATION I find myself unable to approve Senate bill No. 36, entitled "A supplement to an act to incorporate the People's Savings Bank of Pittsburgh, authorizing said bank to increase its capital stock, and to declare dividends out of its net earnings."

To understand the legislation proposed it is necessary to refer briefly to that which has preceded it.

This bank was incorporated by an act, approved 17th April, 1866, the sixth section of which provided as follows, viz:

"Section 6. That the stockholders of this bank are defined to be all persons who shall place on deposit in the bank, within four months of the date of its opening for business, any sum of money, not less than one hundred dollars, nor more than five hundred dollars, and who shall keep the same, the whole amount thereof, deposited with the bank during the continuance of its charter."

A supplement was approved 24th January, 1867, the first section of which is as follows, viz:

"Section 1. That the stockholders of the People's Savings Bank of Pittsburgh, be and they are hereby authorized to increase their capital stock, in said bank, so that the same shall, and do, consist of one thousand shares, of one hundred dollars each, amounting to the sum of one hundred thousand dollars; which sum shall constitute the capital of said bank, and shall not be subject to withdrawal during the continuance of its charter,"



The present supplement recites, that "the whole amount of said increased capital stock has been subscribed, thereby affording the most ample security to depositors;" and then repeals the seventh section of the original act of incorporation, which prescribed an individual liability of the stockholders, and required a surplus fund.

As I understand these various enactments, they virtually deprive the depositors, and other creditors of the bank of all security whatever. The only security in the original act of incorporation was in the sixth and seventh sections, and these are both to be repealed.

This legislation authorizes the withdrawal, from the bank, of the capital stock heretofore paid up in money, and in lieu thereof substitutes a subscription of capital stock, without even an allegation that a single dollar of the stock has been paid in, or a promise that it ever will be.

It is bad enough when banks fail, and bring ruin and disaster upon their depositors and others, by a disregard of wholesome legal restraints. But it would be infinitely worse for the Legislature to invite a failure, by authorizing a bank to do business without any capital paid in, without any individual liability clause, and without any surplus fund.

Moreover, the title of this bill is not in accordance with the eighth section of the eleventh article of the Constitution, which declares that "No bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title." This title purports to authorize the bank "to increase its capital stock," and yet the bill does not give any such authority. On the contrary, its manifest object and effect are to take away the capital, and to substitute therefor a mere subscription of stock.

It is represented that a large portion of the one hun-



dred thousand dollars of capital stock, authorized by the first section of the supplement of 1867, has been paid in. But this important fact does not appear on the face of the bill, nor in anything to which it is a supplement, and from the nature of the case, executive action can only be based on the bill as presented, taken in connection with previous legislation on the same subject.

With these objections the bill is returned without my approval, to the Senate, in which it originated.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act for the Relief of James Clark."

Executive Chamber,  
Harrisburg, February 24, 1868.

Gentlemen:

**A**FTER CAREFUL CONSIDERATION, SENATE bill No. 50, entitled "An Act for the relief of James Clark, is herewith returned with my objections.

This title is not in conformity with the eighth section of the eleventh article of the Constitution of the State, which declares, that "No bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title."

The first section is for the relief of James Clark, but the second section provides that a certain bridge shall be declared a county bridge and hereafter maintained as such. This is an entirely different subject, and there is no reference to it whatever in the title of the bill.

So far as relates to the merits of the first section, the main facts in the case appear to be these: The Bedford and Hollidaysburg turnpike road company needed a bridge over the Raystown Branch of the Juniata, and



in 1839 contracted with one John Arnold to build it. Arnold employed James Clark to erect a bridge, by a written contract dated in September, 1839, under which Clark built the bridge. The company subsequently became insolvent, and forfeited its charter. It is now alleged that Clark was never paid for erecting the bridge, and this bill, nearly thirty years afterwards, proposes to authorize him to enforce the collection of his claim against the county commissioners of Bedford county.

However good this claim may have been at one time, against the parties to the contract, its great age does not recommend it to favor.

But the Legislature has no power to make one man to pay the debts of another, and the general principle applies to counties, and other corporations, as well as to individuals. Holding these views on the questions involved in the bill, I am constrained to return it without my approval.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act Incorporating the Savings Institution of the City of Williamsport, in the County of Lycoming."

Executive Chamber,  
Harrisburg, March —, 1868.

Gentlemen:

**S**ENATE BILL NO. 175, ENTITLED "A SUPPLEMENT to an act incorporating the Savings institution of the city of Williamsport, in the county of Lycoming, approved the 12th day of April, 1867," is herewith returned with my objections.

This is another effort of a corporation to obtain the special privilege to charge ten per cent. interest on the loan of money, whilst the general law limits the



rate of interest to six per cent. If the present legal rate of interest be too low, let it be raised for all who deal in money, and not for savings banks alone, when, for aught I can see, banks of issue, and the people generally are entitled to equal consideration.

In this, as in most other matters of legislation, equality is justice, and I am unwilling to concede special privileges to corporations or to individuals where no good reasons can be found on which to base the discrimination. If the bill proposed to confer upon some individual by the name the same privilege it provides for the bank, it would strike everybody as unreasonable and absurd; and I do not believe such a bill could pass the Legislature.—And yet the general principle involved is precisely the same, and should be rejected for the same reasons.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Artisans' Deposit Bank of Pittsburg."

Executive Chamber,  
Harrisburg, March 9, 1868.

Gentlemen:

SENATE BILL No. 118, ENTITLED "AN ACT TO incorporate the Artisans' Deposit Bank of Pittsburg," is herewith returned with my objections.

The twenty-fifth section of the first article of the Constitution of the State provides as follows, viz:

"No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months' previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

The first section of the act of June 1, 1839, thus prescribes the required notice:

"Whenever any citizen, or association of citizens, of this Commonwealth, intend to make application to



the Legislature for the creation, renewal or extension of any corporate body with banking or discounting privileges, it shall be their duty to cause a notice of such intended application to be advertised in two newspapers printed in the county in which such corporate body is, or is intended to be located, at least once a week, in each paper, for six months before the meeting of the then next Legislature; and also in one paper printed in the borough of Harrisburg."

The Constitution further provides, that "the General Asesmbly shall meet on the first Tuesday of January in every year;" and under this provision the Legislature met this year on the seventh of January, and the notice to be lawful, must have been published for six months preceding that date.

This bill confers the usual banking privileges, except the issuing of notes, and its friends understood that advertisement was necessary. But they did not publish their notice for the full period of six months, as required by law. An effort has been made to show a compliance with the law, by demonstrating that the proper advertisements were published in the required number of papers, more than six lunar months; and it may seem harsh to withhold approval for the want of only a few days. But, our courts have uniformly held that the word months, in an act of Assembly, means calendar months, and not lunar months, (*Moore vs. Houston*, 3 Sergt. and Rawle, page 184); and I do not feel at liberty to disregard so plain a rule of construction thus authoritatively declared. I feel impelled to this course by the further consideration, that the courts have further decided that banks incorporated without this notice were not authorized to transact business, and that notes discounted by such institutions were void.

For these reasons the bill is returned without my approval.

JNO. W. GEARY.



John White Geary.

911

To the Assembly Vetoing "An Act to Incorporate the  
Conneautville Savings Bank."

Executive Chamber,  
Harrisburg, March 9, 1868.

Gentlemen:

**S**ENATE BILL NO. 173, entitled "AN ACT TO INCORPORATE the Conneautville Savings Bank," is herewith returned without my approval.

As my objections to this bill are substantially the same as to Senate bill No. 118, incorporating the Artisans' Bank of Pittsburg, and herewith returned, I refer to the message accompanying that for a full statement of my reasons.

In that, the advertisements required by the Constitution and the act of Assembly were inserted in a sufficient number of papers, but not for the full period of six months. In this case, so far as I can learn, the advertisements were published for the full period required by law, but not in three papers as the law directs. Under my views of duty in these matters a failure to comply with the law in either case is fatal.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Relating to Road  
Juries in the County of Philadelphia."

Executive Chamber,  
Harrisburg, March 16, 1868.

Gentlemen:

**A**FTER CAREFUL EXAMINATION, I AM UNABLE to approve Senate bill No. 381, entitled "An Act relating to road juries in the city of Philadelphia."

By the act of 16th of March, 1866, the city of Phila-



delphia was again placed under the general road laws of the State, as to views and re-views on roads and streets, and the assessment of damages. Time out of mind, the practice has been for the viewers to be appointed at one term of court, and an order issued requiring them to perform their duties and report to the next term. In case of failure to do this, the cause of failure was reported, and if satisfactory to the court the order was renewed and a report required to be made at next term. This seems a reasonable practice, keeping the whole matter within the control of the courts and enabling them to enforce their orders with promptness, unless on good cause shown to the contrary. So far as I know this system has worked satisfactorily everywhere; and I am unable to imagine any good reason why it should not work as well in Philadelphia as elsewhere. This bill proposes to dispense with the report to the next or any particular term of the court; and virtually allows the viewers or jury to disobey the order of the court, and to make no return of duty performed to the next term, or to give any reason for non-performance, but to keep the order in their pockets at their will and pleasure, neither doing the duties imposed on them by law nor permitting anybody else to do it.

Moreover, this bill is made to apply to all viewers or jurors heretofore appointed as well as to those hereafter to be appointed. This conveys the impression that the delinquencies of viewers heretofore appointed are to be covered up and legalized. But, however this may be, it is a special enactment, without any good reason for the proposed departure from the general law. The principle of the bill is wrong, and I am fully persuaded its practical effects would be pernicious.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Incorporating the Consolidation Savings Bank of Pittsburg."

Executive Chamber,  
Harrisburg, March 25, 1868.

Gentlemen:

**S**ENATE BILL NO. 343, ENTITLED "AN ACT INCORPORATING the Consolidation Savings Bank of Pittsburg," is herewith returned with my objections.

The eighth section declares, "that nothing herein contained shall authorize the said institution to do or carry on any banking business;" and the other provisions of the bill are those of an ordinary savings institution or saving fund. Such being the facts, the courts have ample authority, under the acts of 12th of April, 1859, and 12th of April, 1867, to confer the powers and privileges proposed by this enactment; and the Legislature has no jurisdiction under the provisions of the ninth section of the eleventh article of the Constitution.

Moreover, the fourth section of the bill authorizes the proposed bank to charge a greater rate of interest than six per cent. I have so repeatedly refused to approve this principle, and given my reasons therefor, I deem it unnecessary to repeat them.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Authorize the Supervisors of the Townships of North Abington and South Abington, in the County of Luzerne, to Subscribe for the Stock of the Factoryville and Abington Turnpike and Plank Road Company."

Executive Chamber,  
Harrisburg, March 31, 1868.

Gentlemen:

**I FIND MYSELF UNABLE TO APPROVE SEN-**  
ate bill No. 521, entitled "An Act to authorize the supervisors of the townships of North Abington and South Abington, in the county of Luzerne, to subscribe for the stock of the Factoryville and Abington turnpike and plank road company."

This bill proposes that the supervisors of these townships shall subscribe three thousand dollars to said road, and raise the amount to pay for the same by taxation on the citizens of the townships. The Legislature has no right to take the property of one man and give it to another; and on the same principle it can not impose taxes on any citizen or citizens of said township, or elsewhere, to be paid into the treasury of a corporation. This much might have been concluded on general principles, but the framers of the Constitution did not leave so important a matter to inference or argument; but in the seventh section of the eleventh article laid down the law as follows:

"The Legislature shall not authorize any county, city, borough, township or incorporated district, by virtue of a vote of its citizens, or otherwise, to become a stockholder in any company, association or corporation, or to obtain money for, or loan its credit to any corporation, association, institution or party."

In my judgment the bill is in palpable violation of this plain provision of the Constitution, and this makes it unnecessary to assign any other reasons for withholding my approval.

JNO. W. GEARY.



To the Senate Nominating Trustees of the State Lunatic Hospital."

Executive Chamber,  
Harrisburg, March 31, 1868.

Senators:

**I** DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, the following named persons to be trustees of the Pennsylvania State Lunatic hospital, viz: Traill Green, M. D., of the county of Northampton, vice James J. Barclay, Esq., of the city of Philadelphia, resigned; John L. Atlee, M. D., of the county of Lancaster, and Daniel W. Gross, Esq., of the county of Dauphin, for the term of three years each, to be computed from the 7th day of February last past.

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To the Assembly Vetoing "An Act to Authorize the Trustees of the Chestnut Hill Lutheran Church, in Monroe County, to Sell Certain Real Estate."

Executive Chamber,  
Harrisburg, April 3, 1868.

Gentlemen:

**H**EREWITH IS RETURNED, WITH MY OBJECTIONS, Senate bill No. 329, entitled "An Act to authorize the trustees of the Chestnut Hill Lutheran church, in Monroe county, to sell certain real estate."

Under the act of 18th of April, 1853, the courts have ample authority to authorize sales in all such cases as that recited in this bill. Hence the Legislature has no authority or jurisdiction, under the ninth section of the eleventh article of the Constitution.



My reasons for not approving such enactments have been given so often it is deemed unnecessary to repeat them.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Incorporating the Co-operative Life Insurance Association of Pennsylvania."

Executive Chamber,  
Harrisburg, April 6, 1868.

Gentlemen:

SENATE BILL NO. 256, ENTITLED "AN ACT INCORPORATING the Co-operative Life Insurance association of Pennsylvania," is herewith returned without my approval.

It is objected to for the following reasons:

First. Because it creates a corporation for the important purpose of life insurance without providing any capital stock.

Second. Because the company does not locate itself anywhere.

Thurd. Because it is authorized to take and to hold real estate without limit.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the Pennsylvania Annual Conference Church of the United Brethren in Christ."

Executive Chamber,  
Harrisburg, April 8, 1868.

Gentlemen:

**S**ENATE BILL NO. 737, ENTITLED "AN ACT TO incorporate the Pennsylvania Annual Conference church of the United Brethren in Christ," is herewith returned with my objections.

The courts have had jurisdiction to incorporate churches and associations for any other "religious purpose" ever since the act of 6th April, 1791, and both the Supreme Court and courts of common pleas have been exercising the power ever since. I can see nothing in this bill to make it an exception to the general rule; and the Legislature having no authority in the premises, under the prohibition in the ninth section of the eleventh article of the Constitution, I cannot imagine why it persists in passing such bills. Such acts of incorporation would be good for nothing if approved, and would only mislead those who should act upon the faith of such pretended charters.

JNO. W. GEARY.

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To the Assembly Concerning Pardons.

Executive Chamber,  
Harrisburg, April 10, 1868.

Gentlemen:

**I**N MY ANNUAL MESSAGE OF THE EIGHTH OF January last, the following communication was made, on the subject of pardons, viz:

"A report is herewith submitted of the pardons, re-



missions of fines, forfeited recognizances, and death warrants, issued by me during the past year, with a tabular statement of those issued from 1791 to the present time. This report is made in accordance with a sense of duty to the Legislature and the public, who have a right to be informed in what manner and to what extent the Executive clemency has been employed toward convicted criminals. It is also due to the Executive himself, that his action in this regard should be understood. On no subject has there been greater misrepresentation than on that which relates to the exercise of the pardoning power. Accusations have repeatedly been published of its abuse, and cases have been cited in proof thereof, which were never even presented to my notice. Criminals were liberated from prison after sentence, and clamors raised in relation to their pardon, in cases in which no appeal for clemency had ever been made. Upon investigation, it has been ascertained that a custom prevails in the court of quarter sessions of Philadelphia, to reconsider, remit and change sentences, weeks and months after their delivery, and in this much of the misrepresentation has originated. During the last year, as many convicts were thus liberated from Moyamensing jail as were pardoned by me from all the prisons in this Commonwealth. Besides which a number more have had their terms of sentence reduced. How, or when, or under what authority, this custom originated, it is impossible to learn; but that it is liable to abuse, and is without the sanction of law, seems evident. The sentence of a convict is a matter of grave importance, and should receive most serious consideration before it is determined upon and delivered; for when it has become a matter of record, the criminal passes beyond the jurisdiction of the court, and there is no legal or constitutional remedy, even for errors that may be committed, except through appeal to the Ex-



ecutive. If a judge can remit or shorten a sentence he can increase it, and that is a power dangerous to allow any one to wield. And further, if it be lawful for the judge of one court to remit sentences at pleasure, it follows that judges of all other courts should be invested with the same prerogative; and it requires no argument to show to what a dangerous extent it might be used. Happily, the custom appears to be confined to the court named, as judges in other counties disclaimed any such authority."

Within a few days afterwards the president judge of the court of quarter sessions, in the city of Philadelphia, specially convened the grand jury, and delivered a written charge to them on this subject. In that written charge to them on this subject. In that charge he admitted that the court had remitted sentences, and discharged prisoners, as was stated by me, and asserted that it had authority for so doing. He declared that after judgment and sentence, the practice was for the court, on its own motion, to enter a rule to remit the sentence, which rule remained open from term to term until the court should determine what action should be taken. He also stated that this had been the practice of that court for many years—that it had its sanction in the common law—and that necessity required it to be done to avoid hasty and unjust action. Speaking for the whole bench, he then gave notice of a case in which two persons had been convicted nearly six months before, when such a rule had been entered, and in which the court would remit a part of the sentence imposed at the time of the conviction, and discharge the prisoners on the first Monday of February. He said that this was done in order that the Governor might have the question tested before the Supreme Court, and challenged an examination.

By my directions the Attorney General sued out a writ of error in the Supreme Court, which was duly



heard, and the court, unanimously, through an opinion by the Chief Justice, decided that the powers claimed were not lawful, and a copy of that opinion is hereto appended.

This decision of the Supreme Court reflected the unanimous opinion of the judiciary of the State, as the president of each judicial district, by letter, had denied his knowledge of any such custom, and nearly all of them condemned it as illegal, unnecessary, and judicially impolitic.

Since the decision of the Supreme Court I have procured lists of the remissions and commutations made by the Philadelphia court of quarter sessions, of prisoners sentenced by it to the Eastern Penitentiary and the county prison; and those lists are herewith submitted.

Having invited your attention to this matter, and given you a list of the pardons and remissions granted by me, under the acknowledged constitutional authority of the Executive, with a brief of the facts, the names of the persons recommending the exercise of clemency, and the reasons that influenced my action in regard thereto, and as my views were publicly and judicially disputed, challenged and censured, I have deemed it proper to communicate to you these facts, and furnish you with the knowledge of how many of these remissions were made, and to whom they were granted.

Having thus finally performed my duty, I shall not again refer to the subject.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Repeal an Act Entitled 'An Act to Establish Criminal Courts for Dauphin, Lebanon and Schuylkill Counties.'"

Executive Chamber,  
Harrisburg, April 11, 1868.

Gentlemen:

**A**FTER A MOST CAREFUL CONSIDERATION I find myself constrained to return, with my objections, Senate bill No. 496, entitled "An Act to repeal an act, entitled 'An Act to establish criminal courts for Dauphin, Lebanon and Schuylkill counties,' approved April 18, 1867."

It is a matter of common notoriety that more difficulty is experienced in preserving the peace and enforcing the laws in the mining regions of our State than elsewhere. The county of Schuylkill for several years past has had an unenviable reputation in this respect, and it is stated, on reliable authority, that in this county alone, fifty-four murders and homicides were committed in the four years preceding the first of January, 1867. Many of the offenders were never arrested, and of all the murderers but one was ever convicted of murder in the first degree, and he was subsequently acquitted, on a new trial granted six months after his first conviction. Life and property were alike insecure; the most flagrant out-laws went unwhipt of justice; not a few of the best citizens fled the country, impelled by the fear of outrage or assassination, and society seemed rapidly tending to that chaotic state which precedes and compels the formation of vigilance committees for self-preservation. Under this lamentable condition of things, the people, in large numbers, appealed to the Executive and to the Legislature at its last session and implored protection and relief. Impressed with the importance of the subject, and the necessity for immediate action, I submitted a special message, and after a full consideration of the whole



matter, the Legislature resolved to respond to the appeal by granting the protection asked. For this purpose two laws were enacted: the one, entitled "An Act for the better protection of person, property and life in the mining regions of this Commonwealth," approved on the 12th of April, 1867; and the other, entitled "An Act to establish criminal courts for Dauphin, Lebanon and Schuylkill counties," approved 18th April, 1867, and it is this latter law which the present bill proposes to repeal. These two bills were parts of the same general system of relief, and were at once put in force by the appointment of the authorized police and other officers. The results have proved the wisdom of these enactments; murders, robberies, assassinations and violence no longer characterize that county, but life and property are again secure as in other portions of the State. Why then repeal these laws, or either of them? Why again loosen the strong bands of the law, or again inaugurate the reign of insecurity, confusion and terror? The same elements of discord and violence are there, only waiting the opportunity; and the same reasons exist for the continuance of the laws, that last year demanded their enactment.

A careful re-examination of the whole subject has but confirmed me in the views expressed in my special and annual messages; and with the conviction that existing laws are necessary to the preservation of the public peace, and the security of life and property. I have heard, and can imagine no sufficient reason for the proposed repeal. The pretext that the one bill has never gone into full operation, and is alleged to be unconstitutional, does not impress me as anything but a pretext. True it is, those who connived at the former wrongs and violence, and who often aided in screening the perpetrators of them from merited punishment, are now attempting to have the law declared unconstitutional by the Supreme Court, and are loud



in their boastings of anticipated success. But, in these times all are too familiar with the denunciation of laws as unconstitutional, which propose to protect the innocent or punish the guilty, to be frightened from their propriety, or diverted from the path of duty, by any such clamor. If the Supreme Court should declare the law unconstitutional, then this proposed repeal would be unnecessary. If not, let it be enforced, like any other law, against all wrong-doers who come within its provisions. And if so much good has resulted heretofore, merely from the wholesome terror with which it has inspired evil-doers, what may we not expect should it be permitted to go into full operation?

Actuated by these views and considerations, my duty seems plain. The people of Schuylkill county demand, and have a right to protection. The old laws were demonstrated to be inadequate, and the new have proved efficient for the purpose. Unwilling that they, or any part of them, shall be repealed until something better is substituted, I take the responsibility of returning the bill, without my approval, for the further consideration of the Legislature.

JNO. W. GEARY.

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To the Senate Nominating James Given Recorder of  
the City of Philadelphia.

Executive Chamber,  
Harrisburg, April 13, 1868.

Gentlemen:

**I** HEREBY NOMINATE, FOR THE ADVICE AND  
consent of the Senate, James Given, Esquire, to  
be recorder of the city of Philadelphia, for the  
term of ten years, in accordance with the eighth sec-  
tion of the twelfth article (Schedule) of the Constitu-  
tion.

JNO. W. GEARY.



## Proclamation of a Day of Thanksgiving. —1868.

Pennsylvania, ss.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-  
wealth.

## A PROCLAMATION.

Unto God, our Creator, we are indebted for life and all its blessings. It, therefore, becomes us at all times to render unto Him the homage of grateful hearts; and in the performance of our sacred duties, to set apart special periods to "enter into His gates with thanksgiving and into His courts with praise." For this purpose, and in accordance with an established custom, I have designated Thursday, the 26th day of Nov. next; and I recommend that the people of this Commonwealth on that day refrain from their usual avocations and pursuits, and assemble at their chosen places of worship, to "praise the name of God and magnify Him with thanksgiving, "devoutly to acknowledge their dependence and lay upon His altars, the cheerful offerings of grateful hearts.

Let us thank Him with Christian humility for health and prosperity; abundant harvests; the protection of commerce, and advancement of scientific, mechanical and manufacturing interests; our progress in education, morality, virtue and social order; the increase of our material wealth; exemption from pestilence and contagious diseases and the destructive influences of war; for having blessed us as a people and a nation, and opened before us the brightest prospects for the



future; and for all other blessings, both temporal and spiritual.

With sure reliance upon Divine favor let us pray for the forgiveness of our sins, making public confession of our dependence, that we may continue worthy of His parental love and protecting care; that our civil and religious liberties and political rights may remain unimpaired; that we may remember with gratitude our country's brave defenders, and cherish with sympathy their widows and orphan children, and that our paths through life may be directed by the example and instructions of the Redeemer, who died that we might enjoy all the blessings which temporarily flow therefrom, and eternal life in the world to come.

Given under my hand, and the Great Seal of the State at Harrisburg the twenty-eighth day of October, one thousand eight hundred and sixty-eight, and of the Commonwealth the ninety-third.

JOHN W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation of the Election of Electors of a President and Vice President of the United States.—1868.

Pennsylvania, ss:



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-



To all to whom these Presents shall Come,  
Sends Greeting:

A PROCLAMATION.

Whereas, in and by an act of the General Assembly entitled "An Act relating to the Elections of this Commonwealth," approved the second day of July, A. D. one thousand eight hundred and thirty-nine, it is made the duty of the Secretary of the Commonwealth "on receiving the returns of the election of Electors of President and Vice President of the United States to lay them before the Governor, who shall enumerate and ascertain the number of votes for each person voted for, and shall thereupon declare by Proclamation the names of the persons duly elected."

And Whereas, it appears from the returns laid before me by the Secretary of the Commonwealth of the election of Electors as aforesaid held on Tuesday the third day of November, 1868, that G. Morrison Coates, Thomas M. Marshall, William H. Barnes, William J. Pollock, Richard Wildey, George W. Hill, Watson P. Magill, John H. Bringham, Frank C. Hooton, Isaac Eckert, Maria Hoopes, David M. Rank, William Davis, Winthrop W. Ketcham, Samuel Knorr, Benjamin F. Wagenseller, Charles H. Mullen, George W. Elder, John Stewart, Jacob Graffus, James Sill, Henry C. Johnson, John K. Ewing, William Frew, Alexander W. Crawford, and James S. Rutan are the persons duly elected Electors of a President and Vice President of the United States to serve at the election in that behalf to be held at the Seat of Government of this State (being the city of Harrisburg, in the county of Dauphin) on the first Wednesday of December next, agreeably to the said act of the General Assembly of this Commonwealth and the Constitution and laws of the United States in such case made and provided.



Given under my Hand and the Great Seal of the State at Harrisburg this thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Commonwealth the ninety-third.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation of the Election of O. J. Dickey and S. Newton Pettus as Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss.

**I**N THE NAME AND BY  
the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

wealth.

To all to whom these Presents shall Come,  
Sends Greeting:

**A PROCLAMATION.**

Whereas by returns made by the Judges of special elections held in the Ninth and Twentieth Congressional Districts of this Commonwealth, on Tuesday the thirteenth day of October last past, being the second Tuesday thereof and the time appointed for holding the General Elections in said Commonwealth under the authority of an Act of the General Assembly approved the second day of July, A. D. One thousand



eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth, it appears that Oliver J. Dickey was duly elected in the Ninth District, composed of the County of Lancaster, and S. Newton Pettus in the Twentieth District, composed of the Counties of Crawford, Venango, Mercer and Clarion, to serve as Representatives of this State in the House of Representatives of the Fortieth Congress of the United States to supply the vacancies occasioned by the death of the Hon. Thaddeus Stevens and Hon. Darwin A. Finney.

And Whereas, in and by the forty-second section of the above recited Act of the General Assembly, it is made the duty of the Governor, on the receipt of the returns of special elections by the Secretary of the Commonwealth, to declare by Proclamation, the names of the persons elected.

Now Therefore, I, JOHN W. GEARY, Governor as aforesaid, have issued this my proclamation, hereby publishing and declaring that the said Oliver J. Dickey and S. Newton Pettus were duly elected and chosen in the Districts before mentioned, as Representatives of the people of this State in the House of Representatives of the Congress of the United States in room of Hon. Thaddeus Stevens and Hon. Darwin A. Finney, deceased, who had been elected Members of the Fortieth Congress.

Given under my Hand and the Great Seal of the State at Harrisburg this Thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight and of the Commonwealth the ninety-third.

JNO. W. GEARY.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1868.

Pennsylvania, ss.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

To all to whom these Presents shall Come,  
Sends Greeting:

A PROCLAMATION.

Whereas in and by An Act of the General Assembly of this Commonwealth approved the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor, on the receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the respective districts.

And whereas, the returns of the General Election held on Tuesday the thirteenth day of October last, in and for the several districts, for Representatives of the people of this State in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act, whereby it appears that in the First District, composed of the Second, Third, Fourth, Fifth, Sixth and Eleventh Wards in the city of Philadelphia, Samuel Randall has been duly elected.



In the Second District composed of the First, Seventh, Eighth, Ninth, Tenth and Twenty-sixth wards in the city of Philadelphia Charles O'Neill has been duly elected.

In the Third District composed of the Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth wards in the city of Philadelphia John Moffett has been duly elected;

In the Fourth District composed of the Fourteenth, Fifteenth, Twentieth, Twenty-first, Twenty-fourth, Twenty-seventh and Twenty-eighth wards in the city of Philadelphia William D. Kelley has been duly elected.

In the Fifth District composed of the Twenty-second, Twenty-third and Twenty-fifth wards in the city of Philadelphia, and the county of Bucks, John R. Reading has been duly elected.

In the Sixth District composed of the Counties of Lehigh and Montgomery John D. Stiles has been duly elected.

In the Seventh District composed of the Counties of Chester and Delaware, Washington Townsend has been duly elected.

In the Eighth District composed of the County of Berks, J. Lawrence Getz has been duly elected.

In the Ninth District composed of the County of Lancaster, Oliver J. Dickey has been duly elected.

In the Tenth District composed of the Counties of Lebanon and Schuylkill, Henry L. Cake has been duly elected.

In the Eleventh District composed of the Counties of Northampton, Carbon, Monroe, Pike and Wayne, Daniel M. Van Auken has been duly elected.

In the Twelfth District composed of the Counties of Luzerne and Susquehanna, George W. Woodward has been duly elected.



In the Thirteenth District composed of the Counties of Bradford, Wyoming, Sullivan, Columbia and Montour, Ulysses Mercur has been duly elected.

In the Fourteenth District composed of the Counties of Northumberland, Union, Snyder, Juniata and Dauphin, John B. Packer has been duly elected.

In the Fifteenth District composed of the Counties of Cumberland, York and Perry, Richard J. Halde-  
man has been duly elected.

In the Sixteenth District composed of the Counties of Adams, Franklin, Fulton, Bedford and Somerset, John Cessna has been duly elected.

In the Seventeenth District composed of the Counties of Columbia, Blair, Huntingdon and Mifflin, Daniel J. Morrell has been duly elected.

In the Eighteenth District composed of the counties of Centre, Clinton, Lycoming, Tioga and Potter, William H. Armstrong has been duly elected.

In the Nineteenth District composed of the Counties of Erie, Warren, McKean, Forest, Elk, Cameron, Jefferson and Clearfield, Glenni W. Scofield has been duly elected.

In the Twentieth District composed of the Counties of Crawford, Venango, Mercer and Clarion, Calvin W. Gilfillan has been duly elected.

In the Twenty-first District composed of the Counties of Indiana, Westmoreland, and Fayette, no such returns of the election have been received by the Secretary of the Commonwealth, as would under the election laws of the State, authorize me to proclaim the name of any person as having been returned duly elected a Member of the House of Representatives of the United States for that District.

In the Twenty-second District composed of that part of Allegheny County South of the Ohio and Allegheny rivers, and including Nevil Island, James S. Negley has been duly elected.



In the Twenty-third District composed of that part of Allegheny County North of the Ohio and Allegheny rivers, and Butler and Armstrong Counties, Darwin Phelps has been duly elected.

In the Twenty-fourth District composed of the Counties of Lawrence, Beaver, Washington and Greene, Joseph B. Donley has been duly elected.

Now therefore I JOHN W. GEARY, Governor as aforesaid, have issued this my Proclamation hereby publishing and declaring that Samuel J. Randall, Charles O'Neill, John Moffett, William D. Kelley, John R. Reading, John D. Stiles, Washington Townsend, J. Laurence Getz, Oliver J. Dickey, Henry L. Cake, Daniel M. Van Auken, George W. Woodward, Ulysses Mercur, John B. Packer, Richard J. Haldeman, John Cessna, Daniel J. Morrell, William H. Armstrong, Glenni W. Scofield, Calvin W. Gilfillan, James S. Negley, Darwin Phelps and Joseph B. Donley have been returned as duly elected in the several districts before mentioned as Representatives of the people of this State in the House of Representatives of the Congress of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg this Seventeenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Commonwealth the ninety-third.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.



Annual Message to the Assembly. —1869.

Gentlemen:

**F**OR THE HARMONY AND GENERAL RELATIONS of comity and friendship existing between Pennsylvania and all the other States and Territories of the National Union; for the present prosperous condition of the Commonwealth; for the glad signs of coming political tranquility; and for the success which attends the progress of our free institutions, we owe a heavy debt of gratitude to Divine Providence. In view of the favorable circumstances under which you are now assembled, it become my province and duty, as it is my pleasure, to offer you my hearty congratulations, and to tender you a cordial welcome to the Legislative Halls of the State. This, indeed, affords me a higher gratification because I participate with your constituents in the confidence manifested by them in selecting you to represent their individual interests as well as those of the Commonwealth. On your wisdom, integrity, judgment and discretion, all will undoubtedly rely for the correct determination of every question affecting the largest interests and gravest responsibilities, and for a continuance, and even an increase, of that prosperity which has hitherto been so signally enjoyed.

It is not without a consciousness of the great responsibility resting upon me that I undertake the performance of a constitutional duty, requiring that the Governor "shall from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient." In conformity with this requirement your attention will be called only to such matters of public interest as in my judgment deserve careful consideration and action on your part during the present session.



## FINANCES.

The following is a carefully prepared statement of the financial condition of the State for the fiscal year ending November 30, 1868:

The reports of the Auditor General and State Treasurer show that the balance in the Treasury, Nov. 30, 1867, was, .....	\$4,661,836 46
Ordinary receipts during the fiscal year ending November 30, 1868, ....	5,216,049 55
Depreciated funds in the Treasury, unavailable, .....	41,032 00

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Total in Treasury for fiscal year ending Nov. 30, 1868, .....	\$9,918,918 01
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Payments, viz:

Ordinary expenses during the fiscal year ending November 30, 1868,	\$2,454,506 09
Loans, &c., redeemed, .	4,417,463 64
Other payments, .....	12,800 00
Interest on loans, ... .	1,979,690 91
Depreciated funds, unavailable, .....	41,032 00
	<hr/> 8,905,492 64

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Balance in Treasury, November 30, 1868, .....	\$1,013,415 37
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## SINKING FUND.

By an act approved April 10, 1868, the transactions of the Commissioners of the Sinking Fund were ordered to be thereafter reported annually to the 30th day of November. Their last report, therefore, includes a period of one year and three months.



The following is the "recapitulation" of the operations of the sinking fund, from September 3, 1867, to November 30, 1868:

Balance in fund, September 3, 1867, ..	\$1,737,912 41
Receipts in fund from September 3, 1867, to Nov. 30, 1868, .....	3,418,992 31
	<hr/>
	\$5,156,904 72
Paid interest, .....	\$1,808,005 84
Premiums paid as equivalent for coin, .....	49 98
Loans redeemed, .....	2,414,816 64
	<hr/>
	4,222,871 96
	<hr/>
Balance in fund November 30, 1868, .....	\$934,032 76
	<hr/> <hr/>

By the sixth section of the act of May 16, 1861, a special tax of one-half mill on the dollar was especially set apart for the payment of the interest and redemption of the loan created by an act of May 18, 1861, entitled "An Act to create a loan and provide for arming the State."

Balance on hand September 3, 1867, ..	\$319,933 17
The receipts from said tax and tax on gross receipts from September 3, 1867, to November 30, 1868, amount to, .....	423,979 20
	<hr/>
Total, .....	\$743,912 37
Interest paid in January and July, 1868,	169,245 00
	<hr/>
Balance in fund November 30, 1868, .....	\$574,667 37
	<hr/> <hr/>



## CONDITION OF BALANCES.

Balance in sinking fund		
November 30, 1868, ..	\$934,032	76
Balance in sinking fund		
November 30, 1868, ..	574,667	37
	<hr/>	\$1,508,700 13
Deduct balance in Treasury, November		
30, 1868, .....		1,013,415 37
		<hr/>
Balance in favor of sinking fund,	\$495,284	76
	<hr/>	<hr/>

## REDUCTION OF THE STATE DEBT.

By the report of the Commissioners of the Sinking Fund for the year ending September 3, 1867, the "loans redeemed" amounted to \$1,794,569.50, and by their report from September 3, 1867, to November 30, 1868, the "loans redeemed" amounted to \$2,114,816.64, making a total reduction of the State debt, in two years and three months, of four million two hundred and nine thousand three hundred and eighty-six dollars and fourteen cents.

The assets remaining in the Sinking Fund are as follow, viz: Bonds of the Pennsylvania Railroad Company, six million four hundred thousand dollars, and bonds of the Philadelphia and Erie Railroad Company, three million five hundred thousand dollars. These are non-interest bearing bonds and will not mature for many years. I, therefore, recommend to the consideration of the Legislature the propriety of the passage of a law, authorizing the Commissioners of the Sinking Fund to sell these bonds at public sale to the highest bidder, and direct the proceeds to be applied to the liquidation of the State debt.



## PUBLIC DEBT.

Public debt outstanding December 1, 1867, .....	\$37,704,409 77
Deduct amount redeemed at State Treasury during the fiscal year ending November 30, 1868, viz:	
5 per cent. loans, .....	\$4,354,253 64
4½ per cent. loans, .....	63,000 00
Relief notes cancelled, .	210 00
	<hr/> 4,417,463 64

Public debt December 1, 1868,. \$33,286,946 13

Statement showing the condition of the indebtedness of the Commonwealth on the first day of December, 1868.

Funded debt, viz:

6 per cent. loans, .....	\$25,311,180 00
5 per cent. loans, .....	7,749,771 56
4½ per cent. loans, .....	112,000 00

Total funded, ..... \$33,172,951 56

Unfunded debt, viz:

Relief notes in circulation, .....	\$96,415 00
Interest certificates outstanding, .....	13,086 52
Interest certificates unclaimed, .....	4,448 38
Domestic creditors' certificates, .....	44 67

Total unfunded, ..... 113,994 57

Total funded and unfunded, ... \$33,286,946 13

Which is the amount of the State debt as before stated.



During the last eighteen years there has been carried upon the accounts of the Auditor General and State Treasurer, and in their several public statements, "depreciated funds unavailable" to the amount of forty-one thousand and thirty-two dollars. I recommend the appointment of a joint committee, by the Legislature, whose duty it shall be to examine the said depreciated and unavailable funds and dispose of them to the best advantage of the Treasury; or, if found to be worthless, to cancel and destroy them, so that the accounting officers may be relieved from the necessity and responsibility of annually accounting for them.

The large cash balance remaining in the Treasury on the 30th of November, 1867, has been used for the payment of the twenty-three million loan and for the liquidation of outstanding claims against the State. The investment of the funds, in one of the modes recommended in my last annual message, has, therefore, in a great measure been rendered unnecessary for the present. But in the event of large accumulations of money hereafter, the recommendations therein given are respectfully referred to, and renewed. Whenever there may be surplus funds in the Treasury, they can, with safety and benefit to the State, be employed in the purchase of its outstanding bonds, and in saving the interest on them which would accumulate prior to their maturity.

I regret to state that the last Legislature, although fully forewarned in regard to the insecurity and want of proper and sufficient guards for the safe keeping of the money of the Commonwealth, failed to determine upon any mode by which the Treasury may be effectually guarded against the possibility of loss. The present Legislature has it in its power to secure for itself no ordinary honor, by the enactment of such a law, strong and efficient for the purpose indicated.



and the enjoyment not only of the approbation, but the permanent gratitude of every citizen.

Notwithstanding the satisfactory reduction of the public indebtedness, as shown in the foregoing statements, an immense State debt is still upon us, requiring nearly two millions of dollars to be collected to pay the interest accruing upon it annually. Its extinguishment at the earliest practicable period, not inconsistent with other public interests, is of the highest importance to every tax-payer. I cannot, therefore, too strongly urge the strictest economy in respect to every expenditure and the utmost retrenchment in every department.

Retrenchment is emphatically demanded by the people, in legislative expenditures, as well as in every other branch of the government. Their eyes are open to investigate every transaction, and by their ballots they are ready to strike down those who will not take effective action in favor of positive and radical reform. The money paid into the Treasury is the property of the people, every one of whom has a just right to hold his representatives to a strict accountability for every dollar that may be appropriated or expended.

I here renew the remarks made last year on the subject of "annual appropriations," to which you are respectfully referred. For four successive years the general appropriation bills have been signed on the eleventh day of April, being about the time of adjournment. The Governor has been forced either to sign the bills without proper investigation, notwithstanding any objections he may have; suspend the means to defray the operations of the government for the ensuing year; or call an extra session of the Legislature. I repeat that "it is earnestly desired that the appropriation bill be taken up, discussed and passed at a sufficiently early period during the session



to enable it to receive that thorough examination which its importance demands."

#### EDUCATION.

##### COMMON SCHOOLS.

The annual report of the Superintendent of Common Schools exhibits the condition of that department in a highly satisfactory manner. Within the State there are 1,918 school districts; 13,766 schools; 2,382 graded schools; 11,698 school directors; 73 county, city and borough superintendents; 16,771 teachers; and 800,515 pupils. The cost of tuition for the year was \$3,273,269.43; of building, purchasing and renting school houses, \$1,991,152.55; of contingencies, \$854,253.21. These three items, with expenditures for all other purposes connected therewith, amount to the aggregate sum of \$6,200,537.96.

These facts are exhibited with great satisfaction, as they show the average annual cost for the tuition of each pupil to be about seven dollars and seventy-four and a half cents. The average amount paid to each teacher is about \$195.17½ per annum. This, in my opinion, is too small a salary to secure the services of competent teachers; and I am fully justified in urging the necessity of increased compensation. It is but just, and it will have an elevating tendency not only upon the teachers but the manner in which their duties are performed.

Your attention is called to the fact that, notwithstanding the ample provision now made by law for the education of all persons between the ages of six and twenty-one years, large numbers of children, principally in our cities, do not attend any kind of school. Over twenty thousand of this class are found in Philadelphia, and the number in the State is estimated to be not less than seventy-five thousand. These chil-



dren grow up in ignorance, frequently without employment, and many of them contract habits of vice, which eventually cause them to be committed to houses of refuge, county prisons or penitentiaries. Humanity and sound public policy demand that something be done to remedy this growing evil, and also that of the neglected condition of considerable numbers of children in the alms and poor houses in many of the counties.

Four Normal Schools are now recognized as State institutions. The number of students attending them during the past year was 2,115, of whom eighty graduated. Two additional Normal Schools will probably go into operation during this year, one located at Bloomsburg, Columbia county, and the other at California, Washington county. The value of these institutions to the common school system cannot be estimated. Our schools are comparatively worthless without qualified teachers, and such teachers can most easily be obtained from the Normal institutes, where the art of teaching is made a specialty.

A meeting of the presidents and other authorities of a number of our principal colleges was held in Harrisburg last winter, the object of which was to bring about a closer union of all our educational institutions, and connect by a bond of sympathy, if not of organic structure, the common schools, high school, academies and colleges. The establishment of such an educational department seems to be desirable.

There is no subject more worthy the deliberations of the Legislature than the promotion of the welfare of our common schools. They immediately underlie the characteristic features of our social system; they are fountains of that wide-spread intelligence, which, like a perennial vitality, pervades the nation, and are nurseries of that inquiring spirit to which we are indebted for the purity and preservation of our free institutions.



In a republican government education is a sure basis of power and public prosperity. By it the people are taught to discern and estimate the value of their own rights; to distinguish between oppression and the exercise of lawful authority; to discriminate between liberty and licentiousness; to preserve an inviolable respect for the laws, and exercise "eternal vigilance" against any encroachments upon them. It is admitted that a thoroughly educated people alone can be permanently free. By educational culture patriotism is expanded, and the principles, manners and sentiments of the whole people are assimilated. Many of the sources of jealousy and prejudice are diminished, social harmony largely increased, and the structure of our free and happy system of government cemented, strengthened and adorned.

#### SOLDIERS' ORPHANS' SCHOOLS.

In his report the Superintendent of Soldiers' Orphans' Schools exhibits the total expenditure for their support from December 1, 1867, to May 31, 1868, to be \$236,970.26; total number of pupils in the schools 3,431; average cost per pupil \$69.06½ for six months; and the average weekly expenses per pupil \$2.65½. The fiscal year of these schools, like that of the common schools, terminates by law on the last day of May of each year. The present report of the Superintendent, therefore, embraces only six months, and reports will be made up to the 31st day of May annually, hereafter. The special appropriation of February 25, 1868, made in accordance with an estimate of the Superintendent, presented in my last annual message, exceeded the actual expenses \$6,004.74.

Notwithstanding every possible effort has been, and will continue to be made, to economize in the expenses of the present year and to keep them as far as possible within the appropriation made by the last Legislature.



it will readily be observed that there will be a deficit for the year ending May 31, 1869, the amount of which will be carefully ascertained and presented to the Legislature prior to the close of the present session.

The schools are all in good condition and improving, and their usefulness is daily becoming more manifest. They are among the most philanthropic institutions of the age, and reflect high honor on the patriotism of the Legislature by which they have been so liberally endowed and upon our people by whom they are sustained. The children who are the recipients of their benefits are the offspring of brave men who voluntarily endangered their lives in the cause of their country in the most trying hour of its existence, and who, glowing with patriotic ardor, fought as bravely and as heroically as the noblest men in the world's history. Thousands of them who left their homes in the bloom of health and with the brightest hopes of manhood, now sleep in death, leaving their widows and little ones to the care of the country in whose service they fell, and which promised them its protection. Their children are the wards of this great Commonwealth; and too much praise cannot be awarded its people for the munificent and tender manner in which they have thus far, through their representatives, discharged the sacred and delicate trust.

#### AGRICULTURAL COLLEGE.

Before the General Government appropriated public lands to the several States for the purpose of agricultural and military education and the mechanic arts, and prior to the time when Pennsylvania endowed the Agricultural College with her share of these lands, it was dependent wholly upon individual influence, without any other means for its support than its own earnings. History proves that seminaries of learning cannot be efficiently sustained by their own internal re-



sources. The education of youth in the higher branches of knowledge seems to require the aid of philanthropic contributions. This institution had not these benefits to any adequate extent, and though the board of trustees bestowed upon it the most anxious care, their zeal and labor, combined with those of its friends, were not equal to a contest with the want of means. Hence the school did not command the confidence of farmers who were able to educate their sons, and who could not forget that the character of the college attached to the character of its graduates; and that its failure would enter into the estimate which the world would place upon the education it bestowed. This feature has now been removed. The people, through their Legislature, have endowed this institution with the interest upon a fund of \$318,500.00 (invested in United States and Pennsylvania State six per cent. bonds), payable to it semi-annually. Last year this interest amounted to \$25,642.78. The residue of the fund, \$43,886.50, has been appropriated, under the law, by the board of trustees, to the purchase of three model and experimental farms; one at the college, in Centre county, for \$8,000.00, one in Chester county for \$17,750.00, and one in Indiana county for \$18,136.50. The board has also recently re-organized the faculty and remodeled the course of studies, so as to adapt them to the wants of the agricultural community. This new order of things goes into operation at the commencement of the next session, and it is earnestly hoped will be a success. There is no profession, trade or calling in life, where the value of knowledge and the lights of science, and the practical application of both, are so potent for profitable results as in their adaptation to agricultural pursuits. And in this truly practical age it is well worthy of the consideration of parents, whether they should not avail themselves of the benefits of this institution, now so generously endowed by the State.



## MILITARY.

From the report of the Adjutant General you will learn the condition of the Military Department. The inactivity in military affairs after the cessation of hostilities and upon the return of peace, has in a great measure been dispelled, and an active martial spirit now prevails throughout the State; more particularly in Philadelphia, where, by a special legislative enactment, the minimum number of men required to form a company has been reduced, and a brigade fund is raised by a tax upon those who are not members of a military organization, but liable to the performance of military duty. I recommend the passage of a similar law for the whole State. For the sake of preserving the great interests involved, which include the lives, property and happiness of our people, this is presented to you as an important subject for your deliberation.

Every possible encouragement of volunteers has been afforded, and notwithstanding the difficulties indicated it has resulted as follows: In 1866 there were eight volunteer companies in the State; in 1867, thirty-eight; and in 1868, seventy-seven, and a number of others in preparation for organization.

By a reduction of the number for a company from that now required to an aggregate of fifty officers and men, companies would soon be numbered by the hundred, any of which could easily be recruited to the maximum number if required for active service. The State that always maintains the highest degree of preparation, accomplishes most and suffers least in the conflict of arms; and by being in readiness it often prevents improper encroachment upon her rights.

The Adjutant General presents a full and detailed statement of the disbursements in his department during the year ending November 30, 1868, with an estimate for the necessary appropriation for the current



year, and also for such amounts as have been discovered to be due from the Transportation Department, contracted during the war.

#### STATE AGENCY.

The existence of the Military State Agency at Washington terminated on the 31st day of July last, at which time the appropriation for the payment of its expenses was exhausted. Much benefit resulted to many of the soldiers of our State, and their representatives, from this office, in which their just dues from the United States Government were collected and transmitted to them free of charge. In August, after the agency ceased to exist, there still remained a considerable number of unsettled claims, and as no one knew more about their condition, or could possibly obtain an earlier settlement of them than the late agent, Col. Cook, I permitted him, upon his own offer, to close up the business of the office, and to transact any other business for the soldiers of Pennsylvania at one-half the fees that are charged by any other private agency in Washington City. This arrangement has thus far been carried out, and I am pleased to add, with very general satisfaction. All the books and papers of the agency will be transferred to the office of the Adjutant General.

#### REGISTRY LAW.

At the last session of the Legislature an act was passed known as the "Registry Law," the intention of which was to protect the ballot-box against corruption and fraudulent voting, to which it has for many years been disgracefully exposed. This law seems to have been so defective in some of its provisions as to have received the condemnation of a majority of the Supreme Court, by which it was pronounced "incongruous and unconstitutional." At the election immediately



after this decision, it is alleged that frauds were perpetrated, surpassing in magnitude, perhaps, any that have been consummated heretofore in the history of the Commonwealth. These frauds have demonstrated the necessity of the passage of some law or laws, that will accomplish the desired object, without being subject to the exceptionable features pointed out by the learned gentlemen who pronounced the opinion of the Supreme Bench.

There is no subject of such vital importance to the whole country as the sanctity of the ballot-box, and the protection of all citizens in their right to the elective franchise. This right is our proudest boast. It endows the American citizen with a freedom and a power not possessed by the subject of any other government. It makes him the peer of his fellow man, whatever may be his rank, station, or position in life. To be deprived of it by any means whatever, his boasted freedom becomes a sham—his especial and exalted prerogative a mockery and a farce. What avails it to the citizen that he is entitled to a vote, if that vote is to be nullified by fraud? Such guards, then, should be thrown around the polls as will effectually, if possible, preserve them from the taint of a single illegal vote. Not only should false voting be severely punished, but false swearing to obtain a vote, be visited with the pains and penalties of perjury and with perpetual disfranchisement.

The people must be perfectly free to regulate their public business in their own way, and when the voice of the majority is fairly and clearly expressed all should bow to it as to the voice of God. They are the sovereign rulers, and their will must be the law of the land. Corruption of suffrage in a republican government is the deadliest crime that can be perpetrated; it is assassination of the sovereignty of the people, and will be followed by a despotism, the motive power



of which will be money and perjury. And if this privilege be tampered with, sooner or later the sure and indignant popular condemnation will be rendered and condign punishment administered. All good citizens, of whatever political opinion, should lend their aid for the accomplishment of any and every measure that may tend to secure to each voter, not only his right to the elective franchise, but the assurance that his vote will not be rendered valueless by illegality, corruption or fraud.

Every proper facility for the naturalization of citizens of foreign birth should be afforded; but the Legislature, in its combined wisdom, can surely enact some mode to prevent the possibility of a single vote being cast upon spurious naturalization papers, and thus fully secure the purity of the elective franchise.

#### REVISION OF THE CIVIL CODE.

The commissioners appointed to codify the statute laws of the State have diligently prosecuted the work assigned them, and with every prospect that it will be fully completed within the time prescribed by the legislative resolutions of April 8, 1868; and in further compliance with them, they will cause to be laid before each branch of the General Assembly, at its present session, various titles of bills, with brief abstracts of the several sections of each, which have been matured.

#### INSURANCE DEPARTMENT.

Among the subjects of importance to the citizens of Pennsylvania is the establishment of an Insurance Department. Such departments are in successful operation in several neighboring States, by means of which the interests of insurers are guarded and promoted. So careful a supervision is had over the transactions of insurance companies that frauds are rendered al-



most impossible, and spurious companies can have no existence. The result of the protection thus afforded, is, that whilst foreign companies, thus protected, do immense business in this State, so little confidence is had in those of Pennsylvania that their business is almost entirely confined within the State limits; and lately some of them have withdrawn their agencies from other States, because no risks will be taken, in consequence of the inadequacy of the laws to afford protection to insurers. To this defect, moreover, may be attributed the operations of the number of worthless companies which have suddenly sprung up, without any solid basis, and as suddenly expired, to the injury of all whose confidence they obtained, and to the dishonour of the Commonwealth. Whilst Pennsylvania insurance companies transact little business outside of the State, it is alleged that foreign life insurance companies alone paid taxes last year on three million eight hundred thousand dollars of premiums received in Pennsylvania, a great proportion of which would be confined to this State if the same protection was given by law to its citizens as is afforded by other States. The report of the Insurance Department of New York, published in 1867, shows that the companies which were doing business in 1866, in Pennsylvania, and also in New York, had risks in force for more than five thousand million of dollars; and it is believed that the risks in Pennsylvania companies, which, for want of a proper Insurance Department, can not be obtained, would swell the amount to over six thousand million.

In view of these facts, and of the costly experience of the people who have been imposed upon and defrauded by unsubstantial and ephemeral companies, I repeat the recommendation made to the Legislature at its last session, that an Insurance Department be established, and a superintendent appointed by law.



who shall have supervision and control over all insurance companies allowed to transact business within the State, and annually publish, under oath, full reports of their transactions. The community is deeply interested in this matter, and demands the protection which can thus only be afforded.

#### NEW HOSPITAL FOR THE INSANE.

The commissioners appointed by an act of the last session "to establish an additional State Hospital for the Insane," have notified me that they will present a report of their proceedings some time during the present month, which will be communicated when received.

#### DAMAGES BY RAIDS.

In accordance with an act of the last session, providing for an investigation and adjudication of the claims of citizens of several counties "whose property was destroyed, damaged or appropriated for the public service, and in the common defence in the war to suppress the rebellion," a commission of three competent gentlemen was appointed, who have performed the allotted duties, and will soon make a full report of their transactions.

#### PARIS EXPOSITION.

I have received through the Secretary of State of the United States, a bronze medal and diploma from the Imperial Commissioners for the best specimens of Pennsylvania anthracite coal exhibited at the Paris Exposition in 1867. These tributes to an important branch of the internal resources of Pennsylvania have been assigned a place among other valuable relics in the Executive Chamber.



**STATE COAT OF ARMS.**

Diligent but unsuccessful search has been repeatedly made for the coat of arms of the State, and for the authority under which the present design was established. It seems that for years past no trace of either the original authority or design could anywhere be found, and it is recommended that the Legislature take the necessary steps to supply the omission, by such means as they in their wisdom shall determine.

**STATE BENEFICIARIES.**

A number of benevolent, charitable and other similar institutions annually receive appropriations from the State for their support. These appropriations, in most, if not in all cases, appear to have been adequate for the purposes to which it was intended they should be applied, and are as liberal as can reasonably be expected in the present condition of the Treasury of the State.

**THE SUSQUEHANNA FISHERIES.**

A preliminary report on the Susquehanna fisheries has been submitted by Col. James Worrall, Civil Engineer, Commissioner under the act of the Legislature in reference thereto. There are some facts which should be embodied in the report, but which can not be ascertained until early in January. Permission has therefore been granted to the Commissioner, at his request, to postpone the submission of his regular report until the earliest day practicable during the present month.

**CATTLE DISEASE.**

The prevalence of contagious or epidemic diseases among cattle and other animals has for some years past been a prolific source of anxiety and alarm among



the producers and consumers of meats in many of the States. It was therefore deemed important to call a convention of competent persons to take into consideration the means best calculated to remedy this great and growing evil. This convention, composed of three commissioners each from the fourteen States represented, appointed in accordance with an agreement by the several Governors, assembled at Springfield, Illinois, on the first of December last, and an account of their transactions is herewith presented.

Without legislative authority, but believing my action would be sanctioned by the people's representatives, I appointed Dr. Hiram Corson and Messrs. E. C. Humes and A. Boyd Hamilton, commissioners to represent Pennsylvania in that convention. These gentlemen freely gave their time and experience, and also incurred a pecuniary expense of about three hundred dollars, to defray which I recommend that an appropriation be made.

#### STATISTICS.

In view of the vast amount and great variety of the products of the State, a desk for the collection of statistics, relative to exports and imports, agriculture, manufactures, coal, iron, oil, lumber, &c., might, with propriety and profit be established. This could be accomplished by the employment of a competent clerk, under the supervision of one of the present heads of department, whose duty should be to collect and publish such facts as might tend to stimulate and increase our productive energies, instil new life and vigor into manufacturing interests, and lead to more accurate knowledge of all our internal resources and the proper methods for their development. There is abundant space in the Capitol buildings to be appropriated as a receptacle for books, papers, mineralogical and geological specimens, and other articles that might be con-



tributed appropriate to such a department and which in a few years would form an invaluable collection. Under legislative direction, the good results would be almost incalculable, and are required by the progressive spirit of the age in which we live.

#### RESOLUTIONS OF THE VERMONT LEGISLATURE.

Your attention is called to the accompanying joint resolutions, passed at the last session of the Vermont Legislature, bearing a just tribute to the late Hon. Thaddeus Stevens. Joint resolutions from the same body are also sent you, which I regard as worthy of your consideration, relative to the act of Congress "to establish and protect National Cemeteries," and recommending "to the Legislature of the State of Pennsylvania the passage of an act empowering the board of commissioners having charge of the Soldiers' National Cemetery at Gettysburg, to transfer all the right, title, interest and care of said Soldiers' National Cemetery to the General Government, upon the completion of the same."

#### IN MEMORIAM.

It has been the misfortune of the State during the past year to lose by death two of her representatives in the Congress of the nation. Hon. Thaddeus Stevens, of the Ninth, and Hon. Darwin A. Finney, of the Twentieth District. Both were natives of Vermont, but in early life selected Pennsylvania for their home, and identified themselves with her interests, which they were chosen to guard in the Legislature; and the people of the Commonwealth will long remember with gratitude their faithful and efficient services. The first went down to his grave after a long life of public usefulness and in well matured honors; the other in the prime of manhood, which gave promise of a scarcely less brilliant career.



## PARDONS.

The list of pardons issued during the past year will be found among the papers to which your attention is called. The principal reasons upon which they were based, and the names of some of the prominent petitioners, are given in every case. That a few of these pardons may have been unworthily granted, through misrepresentations of relatives, friends, sympathizing neighbors and other interested parties, there is no doubt, but in the majority of instances it is certain that the facts not only justified but demanded Executive clemency.

The whole number of applications for pardons during the year has been sixteen hundred and twenty-three. The number of pardons granted in that time has been one hundred and six, which is a little over six and a half per cent. Of those pardoned, about five per cent have been again brought before the courts in consequence of their return to the commission of crime.

I am fully impressed with the weighty responsibility of the pardoning power, which ranks among the most difficult and embarrassing duties of the Executive office. Daily beset with powerful and pitiful importunities, as well as conflicting representations, from those in whom he should be enabled to place the fullest confidence, in order to avoid errors in the decision of any case, the Governor is compelled to take into consideration the action of the court before which the convict has been tried; the majesty of the law which may or may not have been violated; the condition of the prisoner; his temptation to err; the injury that may be inflicted upon his helpless and dependent relatives, and the arguments and appeals of citizens whose opinions and wishes he is bound to respect. And however just his decision and humane and generous his action, either in favor of or against the petitioner for clemency, he must expect to have his motives im



pugned, his name and character maligned, and to suffer virulent attacks for the exercise of this most important and merciful prerogative.

The pardon report will exhibit that many instances in which Executive clemency has been invoked, youthful prisoners, charged with their first offences, and those of a trivial character, have been the recipients. The object of punishment, in all cases, should not be so much to inflict pain as to reform the sufferer and prevent the repetition of evil deeds. This fact is frequently lost sight of in imposing punishment upon criminals, especially when inexperienced youths are shut up in close cells with men hardened in crime, where its arts are daily taught and a romance thrown around its commission. Instead of being improved, they come forth at the expiration of their terms of sentence with the loss of self-respect, their moral sentiments blunted, and prepared to practice upon society the infamous lessons they have learned. Such punishments tend to increase rather than lessen the quantity of crime. When houses of correction and reformatories are constructed, or a proper system of confinement and prison discipline is adopted, there will be a material decrease of crime, and comparatively few cases to demand the exercise of the pardoning power.

#### COMMUTATION OF SENTENCES.

There are confined in the Philadelphia county prison the following named convicts, under sentence of death, for whose execution warrants have not been issued: Edward Ford, sentenced May 12, 1851; Jerry Dixon, May 30, 1863; Patrick Finnegan, February 9, 1863; Newton Champion, December 1, 1866, and Alfred Alexander and Hester Vaughn, July 3, 1868. Successive Governors, for satisfactory reasons, have declined to order the execution of these persons. The law requires that they shall be executed in accordance



with the sentence, unconditionally pardoned, or held in close confinement in the county jail during life. The latter punishment, with the additional embitterment constantly preying upon the mind that a death warrant may at any moment be issued, is, perhaps, the severest that could be inflicted. It would be both just and merciful to give the Governor authority to commute the sentence of death in the above named cases to imprisonment, at labor, in the penitentiary, for such a term of years as the ameliorating circumstances may seem to justify and demand. One of the convicts named has been imprisoned about eighteen years, and although it might not be advisable to set him at liberty, humanity and the ends of justice require the commutation of his sentence in the manner suggested.

#### CONCLUSION.

The foregoing subjects have been deemed of sufficient importance to submit at the present time for your information and consideration. Others may occur before the close of the session which may be worthy of special communications. It will be my constant care and determination to co-operate with you in the prosecution of any measures that may tend to preserve and increase the prosperity of the State and the happiness of its people, with the firm belief that your united wisdom will aim constantly to promote these desirable results. Many of the events that have transpired since my last annual communication to the Legislature have been infinitely more than political, and bear directly upon the great interests and most sacred destinies of the nation. Apart from the vindication of the principles of the party which sustained the government and the army during the contest for the preservation of the Union, and the election to the Presidency of the first soldier of the age, is the fact



that the people have by triumphant majorities forever settled our controversy upon certain fundamental principles. Parties may and undoubtedly will arise upon other issues, but there can be no future struggle about slavery. Involuntary servitude, as a monopoly of labor, is forever destroyed. The monster obstacles to the national progress has been removed, and henceforward all the faculties of our people can be developed "without let or hindrance." The fair and exuberantly fertile States of the South, heretofore comparatively retrogressive and unproductive, relieved from this terrible curse, with the influx of northern immigration and capital, will soon become the rivals of their northern sister States in all the arts of peace, and additional markets will be developed in which to exchange the varied products of the heretofore hostile sections.

Hardly less magical has been the effect upon other nations. General Grant's election has confirmed the hopes of our nation's friends, and the fears of its foes in the Old World. It supplements and seals the verdict of arms and the progress of republican principles. The downfall of the rebellion in the United States was quickly followed by the great civil revolution in England; the peaceful expulsion of the last of the Bourbons from Spain; the unrest of Cuba; the concession of more liberal principles in Germany; and the necessary acquiescence of the Emperor of the French in the republican sentiments he fears even as he has betrayed them. What are these but the echoes of the dire catastrophe that has overwhelmed aristocracy in the United States?

Notwithstanding the importance of the issues involved in the late canvass, and the bitterness of feeling as well as the earnestness with which it was conducted, its termination has happily met with the acquiescence of nearly the whole people; and at no time in the history of the nation has there been opened be-



fore us a brighter prospect of continued peace and increasing prosperity; and we have no greater cause for universal congratulation than that no differences of opinion now exist that can materially mar our national happiness, retard our onward progress, or threaten the peace or perpetuity of our government.

In conclusion, permit me to remark that the voice of Pennsylvania, as well as that of a majority of the States, has at the ballot-box proclaimed to the world that all our national indebtedness, no matter how heavy the burden, will be paid according to "the letter and spirit" of the agreements made and entered into at the time the debt was contracted; and that in this as in all other respects our individual and national honor "must and shall be preserved;" that we are determined by all honorable means in our power to secure ample encouragement and protection to each and every branch of Home Industry, and every manly enterprise that contributes capital, labor, skill and industry to our material wealth, social advancement and political tranquility; that for all our citizens, the children of the Commonwealth, being also citizens of the United States, we demand the fullest protection, in their persons, their property, and in all their rights and privileges wherever they may go within the national jurisdiction or in foreign lands; and that whilst our financial policy shall be such as to maintain untrammelled our national credit, it is to be hoped that it may at the same time, be such as will permit and sanction the construction of the great railways now in progress and stretching out their giant arms to grasp the mighty commerce of the Pacific, to develop the untold resources of wealth in the intervening territories, and to connect the most distant portions of our country in a common union, not only with iron bands, but by the still stronger and more indissoluble ties of a common interest and a common brotherhood.



To lessen the burdens of the people, and to keep the expenses of the State as nearly as possible within the limits of its absolute necessities, will always be among the chief objects of wise and just legislation. Let us, then, with a due sense of our obligations and high responsibilities, endeavor so to discharge our duties as to secure the greatest good of the community and merit the approbation of Him by whom our Commonwealth has been so abundantly blessed.

JNO. W. GEARY.

Executive Chamber,  
Harrisburg, January 6, 1869.

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PARDON REPORT.

For the information of the Legislature and the people of Pennsylvania, the following report of pardons granted in 1868, is respectfully submitted:

[DOCUMENT OMITTED.]



Tabular Statement of the number of pardons, remissions of fines and forfeited recognizances (with the yearly average), restorations to citizenship and death warrants issued from the year 1791 to 1868, inclusive, together with the names of the Governors by whom they were issued.

Years, Inclusive.	Number of years.	Pardons and remissions.	Yearly average.	Death warrants.	Restoration to citizenship.	By Whom Issued.
From 1791 to 1799.....	9	1,188	132	10	.....	Thomas Mifflin.
" 1800 to 1808.....	9	1,99	212	11	.....	Thomas M'Kean.
" 1809 to 1817.....	9	1,355	172	6	.....	Simon Snyder.
" 1818 to 1820.....	3	1,304	434	6	.....	William Findlay.
" 1821 to 1823.....	3	787	262	4	.....	Joseph Hiester.
" 1824 to 1829.....	6	821	136	7	.....	John A. Shultz.
" 1830 to 1835.....	6	502	83	8	.....	George Wolf.
" 1836 to 1838.....	3	481	160	6	.....	Joseph Ritner.
" 1839 to 1844.....	6	725	120	14	57	David R. Porter.
" 1845 to 1848.....	4	327	81	11	35	Francis R. Shunk.
" 1849 to 1851.....	3	378	126	6	21	William F. Johnston.
" 1852 to 1854.....	3	326	108	11	37	William Bigler.
" 1855 to 1857.....	3	161	53	8	37	James Pollock.
" 1858 to 1860.....	3	216	72	12	31	William F. Packer.
" 1861 to 1866.....	6	763	127	18	1	Andrew G. Curtin.
" 1867 to 1868.....	2	172	86	10	1	John W. Geary.
Totals, .....	78	11,615	149	147	231	

To the Assembly Vetoing "An Act to Exempt Money  
Loaned to the City of Reading from Taxation."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**A**FTER CAREFUL CONSIDERATION I FIND MY-  
self unable to approve Senate bill No. 1306, en-  
titled "An act to exempt money loaned to the  
city of Reading from taxation."



This bill is so drawn as to be wholly retrospective, and therefore of no practical advantage to the city of Reading in any future negotiation of bonds. Even were it otherwise, it is by no means clear the bill should be approved, for there are no reasons apparent why this city, or the holders of its bonds, should be made an exception to the general laws on so important a subject.

But without arguing the general questions involved, it is sufficient for present purposes to know that this bill could result in no public good, and only to the special advantage of the present holders of the city bonds. They, or those under whom they claim, having purchased the bonds when known to be legally taxable, there is no equity in the claim to be relieved from burdens which are common to all tax-payers. Taxation, to be just, should be equal. Special legislation is one of the evils of the times, and never is it more objectionable than when it proposes to grant exclusive privileges to the few which are denied to the many.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Exempt from Taxation the Property of the Pittsburg Church Guild."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

SENATE BILL NO. 107, ENTITLED "AN ACT TO exempt from taxation the property of the Pittsburg Church Guild," is herewith returned without my approval.

There is a constant pressure on the Legislature to



It must be manifest to all who will examine the question, that the several courts of common pleas have jurisdiction to incorporate library companies or associations, under the acts of October, 1840, and 26th of March, 1867; and the courts having this power conferred upon them, the Legislature has no authority to pass such enactments, by reason of the prohibition in the ninth section of the eleventh article of the Constitution.

This of itself would require the withholding of Executive approval; but, in addition to this, the second section of the bill authorizes this library company to erect a market house. The twenty-fifth section of the first article of the Constitution prohibits the creation of more than one corporation by any one law; and the eighth section of the eleventh article declares, that 'no bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title.' It is too clear for argument, that this title and second section are in plain violation of these constitutional provisions.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Authorize and Empower the School Directors of Longswamp Township, Berks County, to Levy a Bounty Tax."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, to the House in which it originated, Senate bill No. 1108, entitled "An act to authorize and empower the school directors of Longswamp township, Berks county, to levy a bounty tax."

This bill, as indicated by the title, authorizes the



procure exemption from the ordinary burdens of taxation; and from no source is this claim more strongly urged than from the various religious denominations. A friendly regard for these has long since resulted in a pretty general exemption from taxation, of all churches and parsonages, without regard to value; and in my judgment this is far enough for the Legislature to go in this direction. In legislation, as in most other matters, equality is justice; and whilst the religious sentiment of the people should be encouraged in every proper way, it is against the theory of our government to make legal discriminations in favor of, or against any class of our people. The poor man, who has but an humble shelter for himself and his family, is required by law to bear his proportion of the public burdens; and I know of no sound principle by which a church, or religious association can justly claim to be relieved from taxes on their church and parsonage, and then a further exemption for additional estate worth fifty thousand dollars, as proposed by this bill. Giving due regard to both "the law and the prophets, and to the weightier matters of judgment and faith," we should all at the same time "render unto Caesar the things that are Caesar's."

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the  
Park Hall and Library Company."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**B**ILL NO. 1753, ENTITLED "AN ACT TO INCORPORATE the Park hall and library company," is herewith returned to the Senate, in which it originated, with my objections.



school directors of the district named, to levy a bounty tax, as if no such tax had been heretofore imposed. But papers submitted to me by those opposed to the bill, clearly show that three bounty taxes have already been assessed by the school directors of the same township, amounting in the aggregate, with other moneys raised for the same purpose, to the large sum of seventy-four thousand seven hundred and sixty-two dollars (\$74,762). Remonstrances, signed by two hundred and twenty-four citizens of said township, earnestly protest against the approval of the bill, on the ground that said school directors have persistently refused to settle their accounts and give satisfactory exhibits to the tax-payers, that the large sums of money already raised have been honestly and properly applied to the purposes intended. The fact that so much money has been heretofore raised for so worthy an object, evinces a laudable disposition to do right; and the unusual number of signers to the protests, and the reasonable grounds on which they are based, have impressed me with the justice of the opposition. Let the proper exhibits be made, and the accounts for past years be all settled up, so that it may be certainly known whether any more money is needed, and how much. The Legislature can then act intelligently in the premises; and it is presumed no serious harm would result from the consequent delay.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Authorize the Auditor General to Re-open and Re-settle the Accounts of the Commonwealth With the County of Montour, for State Tax for the Year One Thousand Eight Hundred and Sixty-two."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**S**ENATE BILL NO. 1809, ENTITLED "AN ACT to authorize the Auditor General to re-open and re-settle the accounts of the Commonwealth with the county of Montour, for State tax for the year one thousand eight hundred and sixty-two," is herewith returned with my objections. On inquiry it appears that no special reason exists why the county of Montour should have a re-settlement of the accounts between her and the Commonwealth, for the year 1862, or for any other year. The same law exists, and the same mode of settlement has been adopted for all the counties; and it is believed that in this as in most other cases of legislation, equality is justice.

Moreover, since the passage of this bill I approved the act of 15th April, 1868, entitled "An act authorizing the Auditor General to open and re-state the account of the several counties with the Commonwealth," by which the accounts with all the counties were re-opened, and the amounts fixed by the board of revenue commissioners reduced on each county fifty per cent. for each of the years 1866, 1867, and 1868. In the present condition of the Treasury more than this should not be asked, and if asked, should not be granted.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Extend the Time for the Payment of the Enrolment Tax on an Act Entitled 'An Act to Incorporate the Girard Tunneling Gold and Silver Mining Company.' "

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill No. 1738, entitled "An act to extend the time for the payment of the enrolment tax on an act, entitled 'An act to incorporate the Girard Tunneling Gold and Silver mining company,' approved April 10, 1868." Under the general law upon the subject one year is allowed within which to pay the enrolment tax on any act of Assembly. Heretofore it has been usual to extend this period another year. Numerous special acts have been passed for this purpose; and last session, by a general law, another year's time for payment was granted in all such cases. Whilst said general law is in full force this special enactment proposes to extend the time on this particular corporation for two years. I know of no good reason for this departure from the general rule, and am disinclined to encourage tardiness in such payments, or to allow greater indulgence than heretofore.

At best the annual volume of statutes is discredibly large; and the passage of laws not needed, and then every year enacting others postponing their operation, is worse than useless.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Authorize the Trustees of the First Congregational Church of Ebensburg, Cambria County, to Sell Certain Real Estate."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**S**ENATE BILL NO. 1374, ENTITLED "AN ACT TO authorize the trustees of the First Congregational church of Ebensburg, Cambria county to sell certain real estate," is herewith returned with my objections. It belongs to that general class, over which the courts have jurisdiction and the Legislature has not. The act of 18th of April, 1853, and its supplements, cover all such cases; and the ninth section of the eleventh article of the Constitution prohibits all legislative interference. Even where the grantees or trustees are dead, which does not appear from anything stated in this bill, the courts have ample authority to appoint others in their places to make sale and conveyance. These general laws were carefully prepared to guard the interests of all concerned, and the practice under them is well established. They have been approved by an experience of over fifteen years, and aside from all constitutional objections, such special enactments for individual cases are against sound public policy.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the  
Pennsylvania Express Company."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**S**ENATE BILL NO. 1558, entitled "An act to incorporate the Pennsylvania express company," is herewith returned with my objections.

In the first place, although the bill covers four closely written pages, and has all the essential features of a corporation for the purpose indicated by the title, everything is crowded into one section, without even a paragraph to separate its various parts. Every bill of this length should be divided into sections; each one including some one or more general and homogenous features of the law. Whilst this omission alone would not be sufficient cause for withholding Executive approval, it certainly indicates crude and imperfect legislation.

The last proviso very properly prohibits the company from selling or disposing of its corporate franchises to any other express company; and yet in another part of the bill is the following provision: "The said corporation shall have the right \* \* \* \* \* to consolidate or merge its stock and franchises with those of any company or corporation organized under the laws of this State or of any other State, upon filing a certificate of the said consolidation or merger with the Secretary of the Commonwealth; and the corporation created by the said consolidation or merger shall be entitled to all the rights and privileges conferred by this act upon the corporation hereby created."

This provision, in my judgment, not only nullifies the before-mentioned proviso, but undertakes to do what is beyond the power of the Legislature. Suppose, for example, the merger or consolidation should



be with a company created by and doing business under the laws of another State. By what authority can the Legislature of Pennsylvania undertake to confer powers and privileges on such a corporation, or give force and effect to statutory provisions beyond the limits of the State? So far as my knowledge goes, the wildest enthusiast for the doctrine of State rights has never before claimed the right of one State to legislate for another. A due regard for the rights of our sister States, and the desire to deserve and perpetuate friendly relations with them, forbid such legislation as this.

Moreover, this bill requires all other transportation companies to "receive and forward all cars, freights, goods and merchandize or express matter, tendered thereto by said express company or its agent, to the point of destination or transshipment of the same, with as much dispatch, and at rates as low, and with drawbacks as great, as are awarded by such railroad, canal or transportation company, to any other express company, or forwarders of express matter, under a penalty of two hundred dollars for each and every refusal or neglect so to do."

This strikes me as unauthorized interference with the rights of other companies. They are allowed, by their charters, to charge certain rates for cars, freights and transportation; and it is lawful for them to modify and change these rates, as the exigencies of trade may require, provided the charges are not in excess of the rates fixed by their charters. But this bill proposes to compel them, under heavy penalties, to carry at less than their chartered rates, and thus virtually provides new schedules of charges for freight, cars and transportation, for every railroad, canal and transportation company in the Commonwealth. The courts have long since held that these charters are contracts between the State and the corporations, and within the



protection of that clause of the Constitution of the United States which prohibits the Legislatures of the States from passing any law impairing the obligation of contracts.

For these reasons the bill is respectfully returned, without my approval, for the further consideration of the Legislature.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the National Cottage Company," and "An Act to Incorporate the West Philadelphia Improvement Association."

Executive Chamber,  
Harrisburg, January 5, 1869.

Gentlemen:

**H**EREWITH ARE RETURNED, WITH MY OBJECTIONS, Senate bill No. 745, entitled "An act to incorporate the National cottage company," and Senate bill No. 1807, entitled "An act to incorporate the West Philadelphia improvement association."

It is manifest, from a perusal of these bills, that the corporations they create are both substantially building associations, and the titles would seem to have been selected with a view to exclude them from the constitutional prohibition hereinafter referred to; but, in such matters, substance is more to be regarded than names or forms. The ninth section of the eleventh article of the Constitution is as follows:

"No bill shall be passed by the Legislature granting any powers or privileges, in any case, where the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."



By the acts of 13th October, 1840, 22d April, 1850, 12th April, 1859, and 26th April, 1857, the courts of common pleas of the several counties are authorized and empowered to incorporate building associations; and hence the Legislature has no jurisdiction in the premises. In addition to the ordinary powers and privileges of building associations, these corporations are also to be invested "with the privilege of constructing and using such other works and improvements as may be deemed expedient and proper by them."

This phraseology I regard as too vague and uncertain to give character to the corporation, and it is even doubtful whether the courts could hold such language as conveying any powers whatever; much less, to exempt the associations from the constitutional prohibition.

The Legislature having made ample provision, by general laws, for the incorporation of such associations by the courts, it is not only a violation of the Constitution, but against public policy, to make special enactments for every individual corporation. It would cover the statute books with local laws, create an infinite diversity of enactments upon a subject on which the laws should be uniform, and would practically evade and nullify the general laws which have stood the test experience and by which all such things should be regulated.

Moreover, it would induce our citizens, on the faith of charters the Legislature has no constitutional power to grant, to invest their means in pretended corporations, only to find out, when too late, that they were created without authority and were consequently null and void. Executive approval can give no validity to unconstitutional enactments. Our people have the right to protection from such legislation as this; and the bills are, therefore, returned with these objections.

JNO. W. GEARY.



To the Senate Nominating Wien Forney State Librarian.

Executive Chamber,  
Harrisburg, February 2, 1869.

Senators:

**I**N CONFORMITY WITH THE ACT OF THE General Assembly, approved the 25th day of January, A. D. 1854, I do hereby nominate and appoint, for the advice and consent of the Senate, Wien Forney, Esq., of the county of Dauphin, to be State Librarian, for the period of three years from the first Monday of February, instant.

JNO. W. GEARY.

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To the Senate Concerning the Investment of State Funds.

Executive Chamber,  
Harrisburg, February 2, 1869.

Gentlemen:

**I** HAVE THE HONOR TO ACKNOWLEDGE THE receipt, through the Clerk of your honorable body, of a copy of the following resolution, passed on the twelfth, ult., to wit:

“Resolved, That the Governor be requested to submit some plan to the Senate to secure the State from loss by the accumulation of large amounts of surplus funds in the Treasury.”

In reply, I beg leave to direct your attention to my message of January 8, 1868, in which I say: “The balance now in the Treasury might be rendered productive by being invested in the bonds of the State bearing six per cent. interest;” and to the message of January 6, 1869, where I remark: “Whenever there may be sur-



plus funds in the Treasury they can, with safety and benefit to the State, be employed in the purchase of its outstanding bonds, and in saving the interest on them which would accumulate prior to their maturity."

Since making these suggestions, and maturely deliberating upon the subject, I have seen no reason to change my mind in relation thereto, and now most respectfully submit the same plan, more especially set forth, as follows:

By reference to the printed report of the Auditor General for the present year, under the head of "Public Loans," pages 185 and 186, you will perceive that there are State loans over-due to the amount of four hundred and eighty-seven thousand one hundred and fifty-nine dollars and seventy-nine cents, and that on the 1st of July, 1870, a debt of one million six hundred and forty-two thousand one hundred and twenty-eight dollars and twenty-nine cents, and on February 1, 1872, a further sum of five million dollars will fall due, to the liquidation of which the surplus funds in the Treasury could, with great propriety, be applied. This indebtedness is held in bonds bearing interest, and it will readily be perceived that this interest will be saved to the State upon whatever amount of these bonds may be redeemed in the manner proposed, and the State be saved from all risk of "loss by the accumulation of large amounts of surplus funds in the Treasury."

Very respectfully submitted.

JNO. W. GEARY.



To the Senate Nominating S. B. Kieffer, M. D., a  
Trustee of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 3, 1869.

Senators:

**I DO HEREBY NOMINATE, FOR THE ADVICE**  
and consent of the Senate, in conformity with the  
requirements of the fifth section of the act of the  
General Assembly, approved April 14, A. D. 1845, es-  
tablishing an asylum for the insane poor of the Com-  
monwealth, S. B. Kieffer, M. D., of the county of Cum-  
berland, to be a trustee of the Pennsylvania State Lu-  
natic Hospital, for the unexpired term of William Low-  
ther, Esq., resigned.

JNO. W. GEARY.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 12, 1869.

Senators:

**I DO HEREBY NOMINATE FOR THE ADVICE**  
and consent of the Senate, in conformity with the  
requirements of the fifth section of the act of Assem-  
bly of the 14th day of April, A. D. 1845, establishing an  
asylum for the insane poor of the Commonwealth, the  
following named persons to be trustees of the Penn-  
sylvania State Lunatic Hospital, viz: F. B. Penniman,  
Esq., of the county of Allegheny, George Bailey, M. D.,  
of the city of Philadelphia, and Jacob C. Bomberger,  
Esq., of the county of Dauphin, for the term of three  
years each, to be computed from the 1st day of Febru-  
ary last past.

JNO. W. GEARY.



To the Assembly Transmitting a Resolution of the Congress of the United States Proposing a Fifteenth Amendment to the Federal Constitution Removing Restrictions to the Franchise.

Executive Chamber,  
Harrisburg, March 8, 1869.

Gentlemen:

**I** HAVE THE HONOR TO TRANSMIT HERewith, for the consideration of the General Assembly, a duly attested copy of a concurrent resolution of the Senate and House of Representatives of the United States of America, entitled "A resolution proposing an amendment to the Constitution of the United States," this day received from the State Department, Washington, D. C.

I cordially approve this action of the National Congress, and inhesitatingly recommend the prompt ratification of the same by the Legislature.

JNO. W. GEARY.

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CIRCULAR.

Department of State,  
Washington, February 27, 1869.

To His Excellency the Governor of the State of Pennsylvania,  
Harrisburg, Pennsylvania:

Sir:—I have the honor to transmit an attested copy of a resolution of Congress, proposing to the Legislatures of the several States a fifteenth article to the Constitution of the United States. The decisions of the several Legislatures upon the subject are required by law to be communicated to this Department. An acknowledgment of the receipt of this communication is requested by

Your Excellency's most obedient servant,

WILLIAM H. SEWARD.



## UNITED STATES OF AMERICA.

Department of State.

To all to whom these presents shall come, greeting:

I certify, that annexed is a true copy of a concurrent resolution of Congress, entitled "A resolution proposing an amendment to the Constitution of the United States," the original of which resolution, received to-day, is on file in this Department.

In testimony whereof, I, William H. Seward, Secretary of State of the United States, have hereto subscribed my name and caused the seal of the Department of State to be affixed.

[L. S.] Done at the city of Washington, this 27th day of February, A. D. 1869, and of the independence of the United States of America the ninety-third.

WILLIAM H. SEWARD.

[Concurrent resolution, received at Department of State, Feb'y 27, 1869.]

A RESOLUTION PROPOSING AN AMENDMENT TO THE  
CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

## ARTICLE XV.

Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

B. F. WADE,

President of the Senate pro tempore.



To the Assembly Vetoing "An Act to Incorporate the  
Sharon Saving Bank."

Executive Chamber,  
Harrisburg, March 22, 1869.

Gentlemen:

**H**EREWITH IS RETURNED TO THE SENATE,  
in which it originated, without my approval,  
Senate bill No. 547, entitled "An act to incor-  
porate the Sharon Saving Bank."

The ninth section of the eleventh article of the Con-  
stitution is as follows, viz:

"No bill shall be passed by the Legislature granting  
any powers or privileges in any case where the au-  
thority to grant such powers or privileges has been or  
may hereafter be conferred upon the courts of this  
Commonwealth."

The act approved the 12th of April, 1867, entitled  
"A supplement to an act, entitled 'An act relating to  
orphans' court, and for other purposes,' passed the 13th  
October, 1840, empowering said courts to incorporate  
saving fund associations," provides as follows, viz:

"That so much of the provisions of the act to which  
this is a supplement, as relates to the incorporation of  
literary, charitable and religious associations, fire en-  
gine and hose companies, or beneficial societies or as-  
sociations, be and they are hereby extended to saving  
fund associations, or societies for the accumulation of  
funds and the distribution of the same among its mem-  
bers without banking or discounting privileges."

It must be manifest that the bill under consideration  
if within the constitutional prohibition hereinbefore  
cited, and the Legislature had therefore no power in  
the premises.

If banking privileges had been conferred, then the  
Legislature would have jurisdiction had advertise-  
ments been made as required by the twenty-fifth sec-



tion of the first article of the Constitution. But it is not pretended this has been done.

It is claimed that the courts would have no authority to confer on married women and minors the powers granted by the third section. This may be; but the object of the bill, as indicated by the title, is to incorporate a savings bank, and this the courts have the power to do, and the Legislature has not. It has become too common of late to insert some proviso or other clause in bills of this character, conferring some right or privilege not within the jurisdiction of the court, and then to insist that the whole bill should be made an exception. This cannot be permitted; for it must be apparent that such a course would result in a complete nullification of that clause of the Constitution in question.

If special powers or privileges, not within the jurisdiction of the courts, are needed, they can be claimed in bills for the purpose, unencumbered with provisions for other powers and privileges which the courts have the right to confer, and they will be duly considered. But part of a law can not be approved and another part disapproved; and hence, in such cases, a regard for the Constitution and for the rights of the public leave no alternative but to veto the whole.

Were it a matter of choice, I would much rather approve than disapprove the enactments of the Legislature; but it is one of the duties imposed by oath of office, which I am not at liberty to disregard. I am the less reluctant to withhold my approval in view of the fact that the courts of the State have repeatedly held, that bills passed in violation of that clause of the Constitution with which this one conflicts, are null and void, and confer no powers or privileges on the corporators. Executive approval can give no validity to unconstitutional enactments, and it is better for all concerned that such legislation be arrested at once, before



innocent parties have been induced, on the faith of such legislation, to invest their money.

JNO. W. GEARY.

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To the Assembly Vetoing "A Further Supplement to an Act Entitled 'An Act to Incorporate the West Philadelphia Mutual Saving Fund and Trust Company,' Approved May 20, 1857, Relative to the Liability of its Stockholders, and Extending Certain Privileges to Said Corporation."

Executive Chamber,  
Harrisburg, March 29, 1869.

Gentlemen:

**S**ENATE BILL NO. 733, ENTITLED "A FURTHER supplement to an act, entitled 'An act to incorporate the West Philadelphia Mutual saving fund and trust company,' approved May 20, 1857, relative to the liability of its stockholders, and extending certain privileges to said corporation," cannot be approved for the following reasons, viz:

First. Because, being a local corporation, the court has power to change the corporate name, under the third section of the act of 4th April, 1843.

Second. Because the supplement to the People's Saving Bank of Pittsburg is dated ten years after the date recited in the bill, and authorizes loans at ten per cent. per annum. Whilst the legal rate of interest is but six per cent. for the general public, I have been unwilling to authorize any greater rate for private corporations. It would seem unreasonable and absurd to enact a law authorizing some individual to charge ten per cent. interest, whilst the general law limited everybody else to six. The principle is the same when ap-



plied to a corporation; and heretofore sundry bills have been returned for this reason without my approval; and my views remain unchanged on this subject.

Third. Because the bill relieves the stockholders from all individual liability to depositors, and others, and only retains it for directors as in the free-banking law of the State. The free-banking law having required the corporation to make large deposits of government bonds and other public securities for the safety of note-holders, &c., the same reasons for rigid individual liability do not exist, as in savings institutions, by which no such deposits are made.

Fourth. Because the powers claimed by the corporation should be set forth in the bill itself, and not by such manifold references to other enactments as to make it difficult to ascertain what really is claimed. Whilst this may not be expressly prohibited by the Constitution, it is certainly in conflict with the principle of that clause which requires that the Legislature shall pass no bill containing more than one subject, which shall be clearly expressed in the title.

JNO. W. GEARY.

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To the Assembly Transmitting a Petition of the  
Master Warden, Harbor Master and Board of Port  
Wardens of the City of Philadelphia.

Executive Chamber,  
Harrisburg, March 31, 1869.

Gentlemen:

I HAVE THE HONOR TO TRANSMIT, HEREWITH, the petition of the master warden, harbor master and board of port wardens of the city of Philadelphia, and to invite your early consideration



of the same. Heretofore the salaries and expenses of these offices have been paid by sundry fees and charges authorized by various acts of the General Assembly of this Commonwealth. It appears the Supreme Court of the United States has recently declared said acts of Assembly to be unconstitutional, unless approved or sanctioned by Congress; and by reason thereof the master warden, harbor master, and their employes, have been deprived of compensation, and of the means to defray necessary expenses.

It is represented, and believed, that the continuance of these offices, and the discharge of the various duties heretofore devolved upon them by law, are essential to the interests of commerce, to an intelligent regulation of trade, and to the commercial prosperity and health of the city of Philadelphia. Your attention is therefore earnestly invited to the subject, in the hope that in your wisdom some suitable remedy for existing evils may be provided.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act Incorporating the Savings Institution of the City of Williamsport."

Executive Chamber,  
Harrisburg, April 5, 1869.

Gentlemen:

**S**ENATE BILL NO. 296, ENTITLED "A SUPPLEMENT to an act incorporating the Savings Institution of the city of Williamsport," is herewith returned without my approval.

It merely proposes to authorize the corporation to charge ten per cent. interest for the use of money. In-



telligent men are much divided in opinion on the question, whether the legal rate of interest should not be raised. But it must be manifest that such increase, if made, should be by general law; and I can imagine no good reason why corporations should be allowed to charge ten per cent. per annum interest, whilst the legal rate for individuals remains at six. A law permitting any one individual by name to charge ten per cent. per annum for the use of money, whilst all others were limited to six, would no doubt seem to every one unreasonable and absurd; and yet the principle is manifestly the same when applied to corporations. I have felt constrained to withhold approval from sundry other bills of this same character, and can see no good reason for making this one an exception.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Authorize the Appointment of an Auctioneer for the Townships of Black Creek, Sugar Loaf, Butler, Hazle and Hazleton Borough, Foster, Dennison and White Haven Borough, in Luzerne County."

Executive Chamber,  
Harrisburg, April 5, 1869.

Gentlemen:

**I** AM UNWILLING TO APPROVE AND HEREWITH return to the Senate, with my objections, Senate bill No. 1064, entitled "An act to authorize the appointment of an auctioneer for the townships of Black Creek, Sugar Loaf, Butler, Hazle and Hazleton borough, Foster, Dennison and White Haven borough, in Luzerne county."

As indicated by its title, the object of the bill is to



authorize the Governor to appoint an auctioneer for the district named, and to place him under the provisions and restrictions of an act passed so long ago as 1854. On reference to that act it is found to authorize a commission for five year, for the small sum of twenty-five dollars, or but five dollars per annum. The money derived from these licenses is an increasing source of revenue to the State, and it is to be regretted that the matter has not been systematized by the general laws so as to result in more revenue and greater equality. The tendency of late is to increase the old rates; and I regard five dollars per annum for so important a territory as that included in this bill as altogether too low and unreasonable, whilst in Williamsport alone the annual license for an auctioneer is one hundred and twenty-five dollars, and in many smaller places from twenty-five to fifty dollars per annum.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Authorizing the School Directors of Harmonsburg, in the County of Crawford, to Sell Certain Real Estate" and "An Act Authorizing Jeremiah Weist and S. S. Weist, Trustees of a Certain School Property in West Concalico Township, Lancaster County to Convey the Same to the School Directors of Said Township."

Executive Chamber,  
Harrisburg, April 6, 1869.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, the following bills, viz:

Senate bill No. 671, entitled "An act authorizing the school directors of Harmonsburg, in the county of Crawford, to sell certain real estate;" and



Senate bill No. 974, entitled "An act authorizing Jeremiah Weist and S. S. Weist, trustees of a certain school property in West Cocalico township, Lancaster county, to convey the same to the school directors of said township."

The object of these bills is proper enough, but they are objected to because the Legislature long ago conferred upon school directors and school trustees, by general laws, all necessary powers for the purchase and sale of property for school purposes, and hence, special enactments are of no use.

The eighteenth section of the act of May, 1854, is as follows:

"That the several school districts within this Commonwealth shall have capacity, as bodies corporate—

"1. To sue and be sued as such, by the corporate name of the school district of ———.

"II. To purchase and hold such real estate and personal property as may be necessary for the establishment and support of the schools, and the same to sell, alien and dispose of, when it shall no longer be necessary for the purposes aforesaid, and also whenever the board of directors, or controllers, in cases where school property has been conveyed to them, shall deem it expedient to make sale of the said real estate, for the purpose of re-investing the proceeds thereof for school purposes; and in cases where real estate is held by trustees, or others, for the general use of a neighborhood—for a school house or its appendages—and when the same shall cease to be required, it shall be lawful for the said trustees, or others, their survivor or survivors, or successors to convey the same to the proper district, which shall be thereafter held by said district, for the same term and for the same uses for which it was originally granted to said trustees, or others. But should the said trustees, from indisposition on the part of the proper board of school directors of the district, to ac-



cept of said conveyance, or from other causes, find it impossible to release themselves from said trust, they, or a majority of them, may apply to the court of common pleas of the proper county, praying said court to authorize and direct the aforesaid trustee, trustees, or other persons, to make sale of the same, having first given two weeks' previous notice, in one or more of the public prints of said county, of the time and place of said sale, and shall make return of proceeds of sale to said court, that the same may, by the direction of said court, be added to the funds of the proper school district; whereupon, the said trustee, trustees, or other persons, shall be discharged from all responsibility in the premises."

The Legislature having thus conferred all the power it can confer, it is worse than useless to be re-enacting the same thing every time a school house is for sale.

JNO. W. GEARY.

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To the Senate Nominating John P. Wickersham Superintendent of Common Schools.

Executive Chamber,  
Harrisburg, April 7, 1869.

Senators:

I DO HEREBY NOMINATE FOR THE ADVICE and consent of the Senate, in conformity with the provisions of the act of Assembly of the 18th of April, 1857, separating the State and School departments, John P. Wickersham, Esq., of the county of Lancaster, to be Superintendent of Common Schools of this Commonwealth, for the term of three years, from the first Monday of June next.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Authorizing A. Clark, a Justice of the Peace, to Keep his Office in the Fourth Ward, in the City of Meadville."

Executive Chamber,  
Harrisburg, April 9, 1869.

Gentlemen:

**S**ENATE BILL NO. 450, IS RETURNED WITHOUT approval, because it appears to be manifestly of no use. It is entitled "An act authorizing A. Clark, a justice of the peace, to keep his office in the Fourth ward, in the city of Meadville," and this seems to be the sole object of the bill. After the justice named was commissioned, Meadville was divided into additional wards, and one of the division lines, it is alleged, ran between the dwelling house and office of Clark, thus putting his house and office in different wards. Assuming all this to be true, what difference can it make? He was commissioned for the old ward in which he was elected, and under existing laws he has the right to reside and hold his office in, and exercise his jurisdiction over it, until the expiration of his commission, and he is under no legal obligation to move either his house or his office by reason of the creation of new wards.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Create a New Ward in the Borough of Pottsville."

Executive Chamber,  
Harrisburg, April 9, 1869.

Gentlemen:

**S**ENATE BILL NO. 609, ENTITLED "AN ACT TO create a new ward in the borough of Pottsville," is respectfully returned with my objections.

Against the approval of this bill, the corporate au-



thorities of Pottsville, and others to be affected by it, strongly protest. A number of new offices are created, none of which, it is alleged, are demanded by any public interest. From the best information I have been able to obtain the effect of the bill would be to allow a minority of the citizens of the borough to control the majority; and it is represented to have been gotten up with the design to invoke the Legislature to take the political power out of the hands of those now holding it by the suffrages of the people, and to transfer it to those who are friendly to this enactment. Unwilling to sanction such a proceeding, and satisfied, after careful examination, that no public interest would be promoted by allowing the bill to become a law, it is herewith returned without approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Supplementary to the Act Incorporating the Borough of Easton, Relative to Sealers of Weights and Measures."

Executive Chamber,  
Harrisburg, April 9, 1869.

Gentlemen:

I AM UNWILLING TO APPROVE SENATE BILL No. 723, entitled "An act supplementary to the act incorporating the borough of Easton, relative to sealers of weights and measures."

Heretofore all the laws on this subject, with which I am familiar, have authorized the appointment of sealers of weights and measures to be made by the Governor. This bill proposes to confer the power of appointment on the councils of the borough of Easton. If it be the policy of the State to confer this power on



the local authorities of the several cities, counties or boroughs, let it be done by general law, and not by special enactments. On the same principle, I have heretofore withheld my approval from sundry special laws conferring the power on the local authorities to appoint auctioneers. I will not undertake to determine, on principle, whether the Executive or the local authorities are the proper depositories of this power of appointment, but for the sake of uniformity, I insist it shall be the one or the other, and not both.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Change the Place of Holding Elections in the Township of Abbott, in the County of Potter."

Executive Chamber,  
Harrisburg, April 9, 1869.

Gentlemen:

**S**ENATE BILL NO. 941, IS RETURNED WITHOUT approval, because the whole subject matter of it is within the jurisdiction of the courts.

The bill is entitled "An act to change the place of holding elections in the township of Abbott, in the county of Potter," and the title clearly indicates its objects. Some few enactments of this class have been approved, out of deference to the opinion of sundry courts, and under what seemed exceptional circumstances. But, inasmuch as the acts of 1839, 1854, 1855, 1860, 1866 and 1867, confer and regulate the jurisdiction of the courts on this question, and provide for almost every conceivable case which can arise, it is hoped the Legislature will not interfere. Especially should this course commend itself because the needed



changes can all be made by a direct vote of the people who alone are interested therein.

JNO. W. GEARY.

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To the Assembly Recommending the Revival of the  
Police Bill.

Executive Chamber,  
Harrisburg, April 12, 1869.

Gentlemen:

**I**N COMPLIANCE WITH AN URGENT APPEAL from the citizens of Schuylkill county, I have the honor to request your honorable bodies to pass an act to revive and continue in force for another year, the act known as the police bill, entitled "An act for the better protection of person, property and life in the mining regions of this Commonwealth," approved 12th April, 1867.

Said law has been in force for two years, and has expired by its own limitation. Through its instrumentality peace, order and tranquility have been restored and maintained, and life and property have been made secure. The friends of social order are apprehensive that unless the law be revived and extended, another era of violence and crime may be inaugurated. To prevent this, I earnestly recommend the extension of the provisions of the law for another year.

JNO. W. GEARY.



To the Senate Nominating John Youngman Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, April 15, 1869.

Senators:

**I** HEREBY NOMINATE FOR THE ADVICE AND consent of the Senate, John Youngman, Esquire, of the county of Northumberland, to be Superintendent of Public Printing for the term of one year, to be computed from the 15th day of July, A. D. 1868, agreeably to the provisions of the act approved the 9th day of April, A. D. 1856, entitled "An act relating to public printing."

JNO. W. GEARY.

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Proclamation of Reward for the Apprehension of William Brooks, one of the Murderers of Theodore Broadhead of Monroe County.

Pennsylvania, ss.

**I** N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

wealth.



## A PROCLAMATION.

Two Thousand Dollars Reward for the Arrest of a Certain William Brooks, one of the Murderers of Theodore Broadhead.



Whereas, The Senate and House of Representatives have enacted the following preamble and joint resolution, viz:

"Resolution authorizing the Governor to offer a reward for escaped convicts.

"Whereas, William Brooks was convicted in the court of oyer and terminer of Monroe county, of the murder of one Theodore Broadhead, and on the second day of April, one thousand eight hundred and sixty-nine, escaped from the county jail of said county; therefore,

"Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Governor be and he is hereby authorized to offer a reward of two thousand dollars for the arrest of said escaped convict, to be distributed by the Executive in such manner as in his judgment will be most conducive to the ends of justice and the execution of the laws," approved the fourteenth day of April, A. D. 1869.

And whereas, The reputation of the Government, the peace and security of its citizens, the obligations of justice and the execution of the laws, require that the said William Brooks should be brought to undergo the sentence of the court aforesaid:

Now, therefore, I, JOHN W. GEARY, Governor of the said Commonwealth, in compliance with the said joint resolution, and by virtue of the power and authority vested in me, do issue this my proclamation, hereby offering a reward of Two Thousand Dollars to any person or persons who shall apprehend and secure the said William Brooks, to be paid in compliance



with the provisions of the aforesaid joint resolution. And I hereby call on all officers of justice and good citizens everywhere to be vigilant and unremitting in their efforts for the apprehension of the said William Brooks and his return to the proper authorities.

Given under my hand and the great seal of the State, at Harrisburg, this twenty-first day of April, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Commonwealth the ninety-third.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation of a Day of Thanksgiving.—1869.

Pennsylvania, ss.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

**A PROCLAMATION.**

"The year which is drawing to a close has been free from pestilence, health has prevailed throughout the land, abundant crops reward the labors of the husbandman, commerce and manufactures have successfully prosecuted their paths, the mines and forests have yielded liberally, the nation has increased in wealth and in strength, peace has pre-



vailed and its blessings have advanced every interest of the people in every part of the Union, harmony and fraternal interest restored are obliterating the marks of past conflict and estrangement, burdens have been lightened, means have been increased, civil and religious liberty are secured to every inhabitant of this land, whose sod is trod by none but freemen. It becomes a people thus favored to make acknowledgment to the Supreme Author from whom such blessings flow, of their gratitude and their dependence, to render praise and thanksgiving for the same, and devoutly to implore a continuance of God's mercies.

"Therefore, I, ULYSSES S. GRANT, President of the United States, do recommend that

Thursday, the 18th Day of November Next, be observed as a day of thanksgiving and of praise and prayer to Almighty God, the Creator and Ruler of the Universe. And I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship, and to unite the homage and praise due to our bountiful Father of all mercies, and fervent prayer for the continuance of the manifold blessings He has vouchsafed to us as a people.

"In testimony whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed, this fifth day of October, Anno Domini one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

"By the President.

Hamilton Fish,  
Secretary of State."

The President of the United States having issued the foregoing Proclamation, I do most earnestly ad-



wise that the people of the Commonwealth of Pennsylvania, for the reasons therein given, strictly observe its recommendations.

Given under my hand and the Seal of the Commonwealth, at Harrisburg, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States the ninety-fourth.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

Proclamation of the Election of Henry W. Williams  
as a Judge of the Supreme Court.

Pennsylvania, ss.

IN THE NAME AND BY  
the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, In and by an act of the General Assembly of this Commonwealth, approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-one, entitled "An act to provide for the election of judges of the several Courts of this Commonwealth, and to regulate certain judicial districts," it is enacted and provided as follows, viz:



"Section 9. That on the first Tuesday in November next following any election authorized by this Act, the Secretary of the Commonwealth shall in the hall of the House of Representatives, in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his proclamation declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected by this act, and who have received the greatest number of votes, to be duly elected."

And Whereas, The Secretary of the Commonwealth did, at the time and place, and in the manner provided by the Act aforesaid, cause the returns of the Election made to him to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed.

Now, Therefore, In obedience to the requirements of the above recited ninth section of the Act of the General Assembly aforesaid, I, JOHN W. GEARY, Governor of the said Commonwealth, do hereby issue this Proclamation, publishing and declaring that of the persons voted for, for Judge of the Supreme Court of this Commonwealth, at the late General election held on the second Tuesday of October last, Henry W. Williams, having received the greatest number of votes, has been duly elected Judge of the Supreme Court, for fifteen years from the first Monday of December next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Second day of November, in the year of our Lord one thousand eight hundred



and sixty-nine, and of the Commonwealth the ninety-fourth.

JNO. W. GEARY,  
Governor.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation Revoking a Warrant for the Extradition  
of Samuel B. Hartman.

Pennsylvania, ss.

[Signed] Jno. W. Geary.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

To all to whom these Presents shall come,

Sends Greeting:

Whereas, On the 13th day of Octo-  
ber last past, His Excellency, the Gov-  
ernor of the State of Indiana, Conrad  
Baker, issued a Requisition on me as  
Governor of Pennsylvania, for the ar-  
rest and return of a certain Samuel B.  
Hartman, charged with the offence of  
"obtaining by false pretence personal property and se-  
curities," upon representation that the said Samuel B.  
Hartman was a fugitive from justice from the State  
of Indiana.

And Whereas, In compliance with said requisition,  
on the 27th day of October, A. D. 1869, I issued a war-



rant for the arrest of the said Samuel B. Hartman, and his delivery to one Joshua M. W. Langsdale, to be returned to the State of Indiana, to be there dealt with according to law.

And Whereas, It appears of record, and by affidavit in writing, since received, and now filed in the Office of the Secretary of the Commonwealth, that, on the 8th day of May, A. D. 1868, I issued a Warrant upon a Requisition from the Governor of the State of Indiana, for the arrest of said Samuel B. Hartman who was charged with the offence of "obtaining property by false pretences;" that in pursuance of said Warrant said Hartman was arrested and taken before the Court of Marion county in said State of Indiana, and on the 15th day of May, A. D. 1868, was released on giving security for his appearance at a future term of said court, and permitted to return again to his home and residence in the State of Pennsylvania; that shortly before the term of court to which the said Hartman gave bail to appear for trial, he received notice from his attorney in the State of Indiana, that his trial would not come off at said term, and that in consequence thereof he did not attend; that the warrant issued by me on the 27th day of October, A. D. 1869, for the arrest and return to the State of Indiana of the said Hartman is upon the same identical charge as that mentioned in the Warrant issued by me on the 8th day of May, A. D. 1868; that the said alleged offence of which the said Hartman stands charged is not "treason, felony, or other crime," as enumerated in Article four, Section two, of the Constitution of the United States, but a mere statutory misdemeanor; that the object of said prosecution is not the conviction of said Hartman in a Criminal Court, but to get him within the jurisdiction of the civil courts of said State of Indiana, and that one Requisition in such case especially when executed, is as many as required by the



Constitution, the comity of this State, or the ends of public justice.

And whereas, It further appears by a certificate also on file in said office of Secretary of Commonwealth, that since the issuing of the last dated warrant, to wit: on Wednesday, October 27, 1869, the said Hartman was arrested upon the charge "of defrauding the Government of the United States, by using stamps for casks for distilled spirits more than once, and has entered into recognizance before E. Reigart, Esq., U. S. Comm'r for Ninth district of Pennsylvania, to appear at the next term of the District Court, for the Eastern District of Pennsylvania, to answer the said charge, in consequence of which the delivery of the said Hartman to the authorities of the State of Indiana would interfere with and obstruct the execution of the laws of the United States.

Now Know, Therefore, That in consideration of the premises, and by virtue of the authority vested in me by the Constitution, I have revoked the Warrant in the case of the said Samuel B. Hartman, and it is hereby fully revoked accordingly.

Given under my hand and the Great Seal of the State, at Harrisburg, this fifth day of November, A. D., one thousand eight hundred and sixty nine, and of the Commonwealth the ninety-fourth.

By the Governor.

J. M. Weakley,  
Deputy Secretary of the Commonwealth.



Proclamation of the Cancellation of Three Hundred and Sixty Two Thousand Seven Hundred and Eighty One Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.

[Signed] Jno. W. Geary.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-  
wealth.

A PROCLAMATION.

Whereas, By the Third Section of the Act of the General Assembly of this Commonwealth, Approved the Twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An act to establish a Sinking Fund for the payment of the public debt," and by the Supplement thereto approved the Tenth day of April, A. D. one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by said first recited act of the General Assembly to report annually and certify to the Governor the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon, the Governor shall direct the Certificates representing the same to be cancelled and on such cancellation, issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas, F. Jordan, J. F. Hartmanft and R. W.



Mackey, Commissioners of the Sinking Fund, in obedience to the requirements of law, Report and Certify to me, that the amount of interest paid and debt of the Commonwealth redeemed and held by them for the year ending on the Thirtieth day of November, A. D. One thousand eight hundred and sixty-nine, amount to Two Millions eighty-eight thousand four hundred and sixty-nine dollars and thirty cents, made up as follows, viz:

Interest paid, .....	\$1,725,587 97
Five per cent. loan redeemed, .....	362,762 09
Relief notes cancelled, .....	19 00
Premiums paid, .....	100 24

Now, Therefore, As required by the Third Section of the Act of the General Assembly first above mentioned, I, JOHN W. GEARY, Governor as aforesaid, have caused the Certificates representing said indebtedness to be cancelled and do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of Three hundred and Sixty-two thousand Seven hundred and eighty-one dollars and nine cents of the principal of the debt of this Commonwealth.

Given under my Hand and the Great Seal at Harrisburg this Tenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Commonwealth the ninety-fourth.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.



## Annual Message to the Assembly.—1870.

Gentlemen:

FROM THE DAYS OF WILLIAM PENN, THE great and pious founder of our Commonwealth, it has been the universal custom of my predecessors, when making their annual communications to the General Assembly, to acknowledge their gratitude to, and dependence upon the Great Lawgiver of the Universe. In imitation of their noble example, let us earnestly invoke His blessing and guidance in our efforts to perform the great work of legislation now before us, in such manner as to meet His approbation, as well as that of our common constituents.

In transmitting to you the seventy-ninth annual message since the organization of the present State government, it affords me the highest gratification to congratulate you and our fellow-citizens generally on their enjoying, to an unusual degree, the blessings of health and unstinted prosperity; and that our principles and institutions—the pride and boast of every true hearted patriot—although tried again in the crucible of a heated political contest, the heavings of popular passion, and the collision of parties, from which we have just emerged, remain unimpaired and vital in every part.

Under such auspicious circumstances you have assembled, for the purpose of discharging the important duties, and assuming the special responsibilities which devolve upon you. It is extremely difficult, even with the greatest caution in your deliberations, to enact laws that will fully meet the expectations and approbation of all the people; but much of this difficulty may be overcome by avoiding legislation for personal and special interests, and not being unmindful of the magnitude of the interests of the State, and of its rapidly advancing population, wealth and influence to



destinies beyond the reach of human vision. A nobler heritage was never given to man than that which we possess; geographically and politically of the greatest importance; an area of more than forty-four thousand square miles; diversified with mountains, valleys, plains, rivers; mountains covered with majestic forests of valuable timber of almost every variety; plains dotted with comfortable homesteads, and presenting well cultivated farms and luxuriant fields marked by the advancement of agriculture—the parent, supporter and stimulator of every species of industry, exchange and commerce; hills and valleys with teeming mines of all the varieties of coal, iron, oil, salt and other minerals; with farmers, manufacturers, mechanics, wool-growers, coal and iron miners, oil producers, and merchants full of activity and confidence; with thousands of miles of railroads and canals to transfer the vast products to market, and accommodate the travel of four millions of happy and prosperous people. Nor should we be forgetful of education in all its branches, of the public charities, prisons, reformatories, the collection of properly imposed taxes, the speedy reduction of the State debt, the preservation of order, and the more certain protection of life, business and property. All these interests and perhaps others of equal importance, demand legislation of the most enlightened, liberal and comprehensive character.

In conformity to the requirements of the Constitution, I proceed to invite your attention to such measures as are deemed necessary for your consideration, and to assure you of my willingness to share with you the anxieties and responsibilities of all legislation calculated to advance the prosperity of the people and the best interests of the Commonwealth.



## FINANCES.

From the reports of the Auditor General and State Treasurer, the following statement has been carefully prepared, and exhibits the receipts and disbursements for the fiscal year ending November 30, 1869:

## RECEIPTS.

Balance in Treasury, Nov. 30, 1869, . . .	\$1,012,925 37
Ordinary receipts during the fiscal year ending Nov. 30, 1869, . . . . .	5,241,711 28
<hr/>	
Total in Treasury during year ending Nov. 30, 1869, . . . . .	\$6,254,636 65

## DISBURSEMENTS.

Ordinary expenses paid during the year end- ing Nov. 30, 1869, . . .	\$2,485,114 27	
Loans, &c., redeemed at Treasury, . . . . .	109,644 09	
Loans redeemed by the Commissioners of the Sinking Fund, . . . . .	362,762 09	
Interest paid at Treas- ury, . . . . .	170,665 74	
Interest paid by Com- missioners of Sinking Fund, . . . . .	1,725,587 97	
<hr/>		4,853,774 16
<hr/>		
Balance in Treasury, Nov. 30, 1869, . . . . .	\$1,400,862 49	
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It will be observed from the above, that part of the loans and part of the interest are paid at the Treasury.



and part of both by the Commissioners of the Sinking Fund. This produces a complication of accounts; which, in order to avoid, and to simplify the financial statements, I recommend that authority be given by law to charge the Commissioners with the whole amount of the State debt, and also with all the money applicable to the payment thereof, and that they alone be credited with all payments on both principal and interest of the State debt.

#### PUBLIC DEBT.

The following is a statement showing the nature of the indebtedness of the Commonwealth, on November 30, 1869:

Funded debt, viz:

6 per cent. loans, . . . . .	\$25,311,180 00	
5 per cent. loans, . . . . .	7,277,384 38	
4½ per cent. loans, . . . . .	112,000 00	
	<hr/>	\$32,700,564 38

Unfunded debt, viz:

Relief notes in circulation, . . . . .	\$96,397 00	
Interest certificates outstanding, . . . . .	13,086 52	
Interest certificates unclaimed, . . . . .	4,448 38	
Domestic creditors' certificates, . . . . .	44 67	
	<hr/>	113,976 57

Amount of public debt, November 30, 1869, . . . . .	\$32,814,540 95
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The public debt on November 30, 1868, . . . . .	\$33,286,947 10
Deduct amount redeemed at the Treasury, during the year ending November 30, 1869, viz:	



5 per cent. loans, . . . . .	\$472,387 18	
Relief notes cancelled, .	19 00	
	<hr/>	472,406 18
<hr/>		
Public debt November 30, 1869,		
as above, . . . . .	\$32,814,540 95	
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## REDUCTION OF THE PUBLIC DEBT.

At the commencement of the present administration in January, 1867, the total outstanding indebtedness of the State was thirty-seven million, seven hundred and four thousand, four hundred and nine dollars and seventy-seven cents. Since then, and up to November 30, 1869, the sum of four million, eight hundred and eighty-nine thousand, eight hundred and sixty-eight dollars and eighty-two cents have been paid and at five per cent.; the sum of \$244,493.44, in interest, is annually saved to the Commonwealth. Consequently, the total amount of indebtedness of the Commonwealth on November 30, 1869, was thirty-two million, eight hundred and fourteen thousand, five hundred and forty dollars and ninety-five cents.

The reduction during the year ending November 30, 1869, amounts to four hundred and seventy-two thousand, four hundred and six dollars and eighteen cents.

## ASSETS IN SINKING FUND.

The assets remaining in the Sinking Fund are as follows, viz: Bonds of the Pennsylvania Railroad Company, six million three hundred thousand dollars. Agreeably to an act dated March 30, 1869, the Sinking Fund Commissioners delivered all the obligations of the Sunbury and Erie Railroad Company, being third mortgage bonds, to the Allegheny Valley Railroad Company, and received therefor thirty-five second mortgage bonds of one hundred thousand dollars each, mak-



ing in all three million five hundred thousand dollars, executed by the said Allegheny Valley Railroad Company, and guaranteed by the Pennsylvania Railroad Company, the Northern Central Railroad Company and the Philadelphia and Erie Railroad Company, payable to the Commonwealth as follows, viz:

The principal of one of said bonds (\$100,000) shall be payable each and every year, beginning January 1, 1875, and so continuing annually thereafter until the said sum of three million five hundred thousand dollars shall be paid, with interest thereon from January 1, 1872.

The citizens of Pennsylvania have always borne taxation not only patiently but cheerfully, and they are still as willing as ever to contribute to the payment of all the obligations resting upon the State; but they expect their public servants who are intrusted with the management of their affairs, to act upon the most prudent and economical basis. In a word, they demand reform in the management of the financial affairs of the State, and, as far as possible, the retrenchment of all unnecessary expenditures.

On the 30th of January last, replying to a resolution of the Senate, I said:

I have the honor to acknowledge the receipt, through the Clerk of your Honorable body, a copy of the following resolution, passed on the 12th inst., to wit:

“Resolved, That the Governor be requested to submit some plan to the Senate to secure the State from loss by the accumulation of large amounts of surplus funds in the Treasury.

“In reply, I beg leave to direct your attention to my message of January 8, 1868, in which I say, ‘the balance now in the Treasury might be rendered productive by being invested in the bonds of the State, bearing six per cent. interest;’ and to the message of January



6, 1869, where I remark, 'whenever there may be surplus funds in the Treasury, they can with safety and benefit to the State, be employed in the purchase of its outstanding bonds, and in saving the interest on them which would accumulate prior to their maturity.' "

Since making these suggestions, and maturely deliberating upon the subject, I have seen no reason to change my mind in relation thereto; and now submit the same plan, more specifically set forth, based upon the following statement of the loans of the Commonwealth, viz:

Amount of over due loans, including bank charter loans and relief notes unredeemed, .....	\$369,482 25
Amount payable in 1870, interest 5 per cent., .....	1,483,815 65
Amount payable in 1871, interest 6 per cent., .....	2,820,750 00
Amount payable in 1872, interest 6 per cent., .....	4,907,150 00
Amount payable in 1872, interest 5 per cent., .....	92,850 00
Amount payable in 1877, interest 6 per cent., .....	7,909,600 00
Amount payable in 1877, interest 5 per cent., .....	3,934,400 00
Amount payable in 1878, interest 5 per cent., .....	321,000 00
Amount payable in 1879, interest 6 per cent., .....	400,000 00
Amount payable in 1882, interest 6 per cent., .....	9,273,050 00
Amount payable in 1882, interest 5 per cent., .....	1,185,950 00



Amount payable in 1882, interest $4\frac{1}{2}$ per cent., .....	112,000 00
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Amount of loans, .....	\$32,810,047 90
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To the liquidation of these loans the surplus funds in the Treasury could, with great propriety, be applied. This indebtedness is held in bonds bearing interest; and it will readily be perceived that this interest will be saved to the State upon whatever amount of these bonds may be redeemed, and the State be saved from all risks of loss by the accumulation of large amounts of surplus funds in the Treasury.

A few illustrations will show the beneficial working of this plan. At the termination of the fiscal year ending November 30, 1868, there was an unexpended balance in the Treasury of \$1,012,915.37. If the suggestions heretofore made had been carried out, by the investment of one million of dollars, at that time, in the five per cent bonds that will fall due July 1, 1870, and which I am credibly informed could then have been purchased at something less than their par value, the interest on the same, from November 30, 1868, to July 1, 1869, would be seventy-nine thousand, one hundred and sixty-seven dollars and sixty-seven cents, which has been lost to the State. Again, on the 30th of November, 1869, there was in the Treasury an unexpended balance of \$1,400,862.49. If one million, four hundred thousand dollars of this sum had been invested in the same kind of bonds, at par, on the 1st day of December, 1869, the interest for the seven remaining months, ending July 1, 1870, would be \$40,833.34, but which, in consequence of non-conformity to this plan, will be lost to the Commonwealth. I cannot reiterate too strongly my recommendations on this subject, and would, therefore, recommend that a law



be passed making it a duty of the Commissioners of the Sinking Fund to invest all surplus funds as rapidly as they accrue in the Treasury, in the purchase of the bonds of the Commonwealth next falling due.

I beg, once more, to remind the Legislature that the salary of the State Treasurer should at least be equal to that of the Governor. It is only seventeen hundred dollars, a sum entirely insufficient to command the services of any responsible man, who is required to furnish a bond with good and approved sureties, for eighty thousand dollars, and to run the risk of handling at least five or six million of dollars per annum, without the unlawful use of the State funds, and subsidies from sources that dare not be revealed to the public, because they are positively prohibited by law, under penalties of no ordinary magnitude. Yet there are but few men who have held this office, however poor they may have been when they took charge of it, who have not become rich. There is certainly some advantage to be gained by the holding of the position of State Treasurer, unknown to the public, but which readily accounts for the disgraceful scramble, and for the political and moral debauchery which the people of this State seem to be doomed annually to witness, in the election of that officer; and because of the disgrace it brings upon their representatives, the people hang their heads in indignation and shame. Then, in the name of the good people of Pennsylvania, I call upon the members of the Legislature, without distinction of party, to rise above the murkyness of the polluted atmosphere of the past, to the true dignity of manhood and exalted patriotism, and purify the election of Treasurer as well as that of every other officer within this Commonwealth, and punish every one who tampers with the purity of elections, whatever may be his position or pretensions. And then every one who shall have performed his whole duty to sustain



the true interests of the State and to maintain the high dignity of her character, may return unpolluted and with a clear conscience to his constituents, who will receive him with open arms, and with the joyful exclamation of "well done, good and faithful servant."

Liberal appropriations are made annually to our penitentiaries, lunatic asylums, and other charitable and beneficial institutions, without requiring from those who receive and disburse the money any satisfactory evidence that it has been faithfully applied to the objects intended. This is wrong, and should be corrected without delay. All officers of the State who receive public moneys, not excepting the Governor, are required by law and usage to settle their accounts, on proper vouchers, in the Auditor General's office. This is right; and there is no good reason why the same accountability should not be enforced against all those who receive annually such large sums of money from the bounty of the Commonwealth. I, therefore, recommend that law be passed requiring all persons who receive and disburse State appropriations, to take proper vouchers for all moneys so expended by them, and to make quarterly settlements of the same in the Auditor General's office. This is important, not only to protect the interests of the State, but also the good name of those who receive and disburse the money, and of the members of the Legislature through whose influence the appropriations are represented to be procured.

For many years the general appropriation bills have been signed on the day of the adjournment of the Legislature, and I here repeat my suggestions of last year on this subject. "The Governor has been forced either to sign the bills without proper investigation, notwithstanding any objections he may have; suspend the means to defray the operations of the government for the ensuing year; or call an extra session of the Legis-



lature. It is therefore earnestly desired that the appropriation bill be taken up and discussed and passed at a sufficiently early period during the session to enable the Governor to give it that thorough examination its importance demands."

#### COMMON SCHOOLS.

The peculiar interest which is always manifested by the people in the subject of education, is an inducement to lay before you, more at length than would otherwise be done, the principal statistics of the system drawn from the report of the Superintendent of Common Schools.

There are within the State 1,971 school districts; 13,936 schools; 2,415 graded schools; 12,900 school directors; 76 superintendents; 17,142 teachers, and 815,753 pupils. The average cost of tuition for each pupil is ninety-seven cents per month. The whole cost of tuition for the year is \$3,500,704.26. The total cost including expenditures of all kinds during the year, \$6,986,148.92. Estimated value of school property, \$14,045,632.

Notwithstanding the fact that our school law was made general in the year 1848, it is remarkable that there still remain five districts within the State which have not yet conformed thereto. Hopes are entertained that four of these will soon accept the conditions of the law, and the remaining one, known as the Harmony District, under the control of the "Economites," having a good school of its own, will probably not adopt the public school system so long as the present organization of that society exists. It is, therefore, a subject worthy of hearty congratulation that our school system has been so universally adopted by the voluntary consent and general acquiescence of the people.

As important auxiliaries to our common schools, the Normal schools are entitled to assume the front



rank. Their flourishing condition may be understood from the following statistics: The whole number of students that have attended the four Normal schools is 10,237, of whom 321 have graduated. During the past year there were in these institutions 76 teachers, and 4,178 students. Since my last annual communication, a State Normal school has been fully established and recognized at Bloomsburg, Columbia county. Its buildings are of the most finished and substantial character, and it commences its career under the most auspicious circumstances. Another is now in a state of preparation at California, Washington county, and will probably be completed during the current year.

Your attention is again invited to the fact that there are about seventy-five thousand children in the State that do not attend schools of any description, and who are permitted to grow up in ignorance and without employment, and, in many instances, from lack of industrial and educational training become not only the votaries of vice, but a prolific source from which the inmates of our prisons and penitentiaries are supplied.

The number of children throughout the State attending private schools, is estimated at eighty-five thousand.

The aggregate of the educational condition of the children of the Commonwealth, may be thus stated:

Attending the public schools, . . . . .	815,753
Attending private schools, . . . . .	85,000
Not attending schools of any kind, . . . .	75,000
<hr/>	
Whole number of children, . . . . .	975,753
<hr/> <hr/>	

The subject of non-attendance by so large a portion of children, is specially and most earnestly commended to your consideration. It is true economy on the part of the State, if possible, to save these children from ignorance, vagrancy and crime. To neglect them



would be inexcusable, if not criminal. Doubtless in your assembled wisdom you will be able to devise some effectual mode by which this evil can be remedied.

Many of the recommendations contained in the report of the Superintendent are of the utmost importance, and eminently deserving of serious attention and legislative action. The facts above set forth illustrate most forcibly the practical value of our most admirable common school system, and bear testimony that cannot be misunderstood, to the wisdom and liberality by which it has been conceived and so successfully carried into effect.

#### SOLDIERS' ORPHANS' SCHOOLS.

Attention is invited to the report of the Superintendent of the Soldiers' Orphans' Schools, for the year ending May 31, 1869, in which is exhibited their condition, circumstances and expenditures.

The whole number of children admitted into these schools from their origin to the 31st day of May, 1869, is four thousand, five hundred and nine; of whom three hundred and seven have been discharged on order, five hundred and eighteen on age, and fifty-three have died; making a total of eight hundred and seventy-eight, which left three thousand six hundred and thirty-one in the schools at the end of the year. Up to May 31, 1869, the number of discharges from the schools have exceeded former estimates by one hundred and seventy-five. The number of applications for admission on file and not acted on, was seven hundred and one; some from every county in the State except six.

The sanitary condition of the children in these school has been remarkably good. And from the foregoing statement it appears that during the four years in which they have been in operation, the whole number of deaths has been less than one-third of one per cent. per annum.



The entire cost for maintenance, education, clothing and general expenses, for the year ending May 31, 1869, differs but little from the original estimate of the Superintendent, and

Amounts to, .....		\$500,971 62
To pay which there was an		
unexpended balance of, .	\$6,004 74	
Appropriated April 11		
1868, .....	400,000 00	
Appropriated March 13,		
1869, .....	50,000 00	
	<hr/>	456,004 74
		<hr/>
Balance unprovided for, .....		\$44,966 88
		<hr/>
		<hr/>

For which sum there should be a special appropriation without delay, to meet the pressing wants of the teachers of the different institutions, who have been already compelled to await its payment for more than seven months.

In his last annual report, the Superintendent estimated the expenses for the current year terminating May 31, 1870, at \$494,700. The sum appropriated for that year, by act of April 16, 1869, was \$450,000. As the Superintendent reports the expenses will not materially vary from his estimate, there will therefore be a deficit of \$44,700 for the current year, to be provided for during the present session.

For the maintenance of these schools during the year ending May 31, 1871, it is estimated that \$534,500 will be required. Which sum I recommend to be appropriated, with the positive understanding that the expenditures shall not exceed that amount.

We are admonished by the rapid expansion of the system, and by the constantly increasing desire to obtain admission into these schools, that some definite limit should be determined upon by law. It is there-



fore recommended that the indigent children of Pennsylvania soldiers, who served in Pennsylvania regiments, and who died prior to January 1, 1866, from wounds received or disease contracted in the service of the United States during the late war, shall be hereafter admitted, and none others.

With unsparing patience, well considered measures, and earnestness of purpose, many defects have been eradicated, and the schools have been advanced to a more perfect and efficient system than that by which they were at first characterized, and elevated to a condition not second to any similar institutions in the country. This humane and philanthropic service is being performed by intelligent officers and faithful teachers, which will be more fully shown by their reports, communicated for the information of the Legislature.

The establishment of these institutions, where the destitute orphan children of the soldiers who lost their lives in the suppression of the late rebellion, are fed, clothed and educated at the public expense, continues to command the cordial support, approval and encouragement of our citizens, and tends to elevate, everywhere, the reputation of Pennsylvania (the first State to establish such schools), to the highest degree, for her justice, patriotism and philanthropy.

Most heartily have the people endorsed the past action of their representatives in relation to these schools, and there exists not a single doubt but that they will most cordially approve all necessary appropriations for the continuance of the support, education and guardianship of these adopted children of the Commonwealth. To the honor, State pride and humanity of the Legislature is confided the guarding and maintaining of these sacred interests, and in the faithful discharge of this noble duty, you shall receive from me a special and zealous concurrence.



## AGRICULTURAL COLLEGE.

The establishment of this college was undoubtedly intended as a progressive movement, and under the impression that it would contribute much to the easy acquisition of a combined knowledge of agriculture, science and literature, and to promote the practical education of the industrial classes in the several pursuits of life. It has been fostered by the most liberal legislation, and is endowed with the sum of \$381,500, invested in United States and Pennsylvania bonds, yielding an aggregate interest this year of \$25,551.90, which has been paid to the trustees of the institution. Thus far the most satisfactory results from the workings of the college have not been realized. But it is now under the direction of a president and six learned professors. It receives for its pupils only males over the age of fifteen years, qualified for admission by a good common school education. There are in it at present forty-five students, with a fair prospect of a considerable increase in number. Tuition, board and the ordinary necessities of life, are there furnished at a less rate than is generally demanded for boarding alone, thus affording an extraordinary opportunity to the youth of the country to acquire an accomplished education with comparatively small expenditures. Under these circumstances the college deserves the indulgent sympathy and support of the people.

Three experimental farms are connected with the college, purchased at an aggregate cost of \$43,886.50. One is located at the college, one in Indiana county, and one in Chester county. Operations have been commenced upon them under the prescribed programme of a series of experiments with promises of complete success; the results of which are to be reported annually to the Legislature by the Professor of Agriculture. It is confidently expected that the record of



these experimental results will prove highly interesting, and greatly beneficial to the community.

#### MILITARY.

The military department is one of great importance to the honorable history of the Commonwealth, and to that of her citizens individually. It is the custodian of all the military records of the State, embracing that of every officer and private soldier, and the history of every military transaction performed by the State for the suppression of the rebellion. It has also in its custody all the regimental, State and National flags borne by our soldiers, and many trophies of war won by their valor on the field. All of which should be systematically and carefully preserved and perpetuated.

During the last three years all the staff officers rendered necessary by the war, and the different offices established for the convenience of the soldiers, have been discontinued, and the duties performed by them, as well as the official books and papers, have been transferred to the Adjutant General's department. He is, therefore, the only military officer remaining, to whom recourse is constantly had for statistics and information, not only by the soldiers, and their relatives and attorneys, but by other States and by the War Department at Washington. All these circumstances, connected with the present flourishing condition of the volunteer militia in the State, induce me to request the continuance of legislative favor for the Adjutant General's department, and that it may be generously supplied with such appropriations as have been requested by the Adjutant General for that office.

An unusual martial activity prevails throughout the State, but more particularly in Philadelphia. The encouragement which has been afforded to the uniformed



militia has been responded to with alacrity, and is exhibited as follows: In 1866, there were eight volunteer companies; in 1867, thirty-eight; in 1868, sixty-seven, and in 1869, one hundred and eighty-four. No less than one hundred and seven companies were organized during the year ending November 30, 1869, of which fifty-six are in Philadelphia, and fifty-one in other parts of the State.

This is a small but efficient and well equipped force, which, in case of riot, rebellion, or other public danger, would be ready at once to imperil itself for the enforcement of the laws, and the protection of the lives and property of the citizens. It is, therefore, desirable that the Legislature should give the volunteers such practical aid as would, in some degree, compensate them for the time and money expended to maintain their organizations, in which the people are as much interested as the volunteers themselves.

The report of the Adjutant General will be found a very interesting document, containing much valuable information and many important suggestions. A careful perusal of its contents, and such action thereon, as seems to be demanded by their importance, is recommended. General D. B. M'Creary has been elected to membership in one of your honorable bodies, and with his last report he closed his career as Adjutant General. In losing his valuable services from a position he has so ably filled for more than two years, the hope is indulged that the department will gain an intelligent and devoted friend, and an able and efficient advocate in the halls of legislation.

#### MILITARY HISTORY.

The report of the State Historian is deserving of your careful attention. In it you will find a detailed account of the operations of his department from its commencement to the present time. The work en-



trusted to his care is one of no ordinary character and responsibility, requiring talents of a high order, patient industry, careful research, and unbiased judgment. The labor to be performed is immense, and can only be properly appreciated by those fully acquainted with its magnitude. It embraces a faithful account of all the organizations of Pennsylvania troops during the war of the rebellion; the collection and adjustment, in a comprehensive form of each military organization, and an unprejudiced description of all military transactions of importance, so far as the volunteers of this State are concerned, in the camp and in the field, throughout the most terrific conflict of arms that has ever occurred in the history of the world. The propriety of such a work must be apparent to every intelligent citizen of the Commonwealth. Certainly it is due to the citizen soldiers, who offered their lives in the defence of their country, that their names should, at least, receive a place in the archives of the State, toward whose honor and glory their gallant deeds have so largely contributed.

The work of the Historian, when completed, will embrace four large octavo volumes, in which the name of every Pennsylvania volunteer will have its appropriate place. Two of these volumes are already completed, in a manner highly creditable to the Commonwealth. The third is rapidly progressing, and with a generous appropriation on the part of your honorable body the entire history will be executed, if not before, soon after the close of the present year. Most other States are publishing histories similar to this, and it is due to the importance of the subject, and to the credit of the State, that Pennsylvania should not be behind in this patriotic undertaking.

#### HOME FOR DISABLED SOLDIERS.

There is, probably, no State in the American Union



that has contributed more liberally toward the support of charitable and benevolent institutions than Pennsylvania. The appropriations annually made for the benefit of the soldiers' orphans, schools, asylums for the deaf and dumb, blind and insane; and many similar worthy establishments in which the poor, helpless and otherwise friendless are cared and provided for, reflect great credit upon the Legislatures who have donated the requisite means for their support. But there is one other institution needed, and the claims for which are more strongly urged by every principle of humanity and patriotism, than any other now in existence, which has not yet received the attention its vast importance imperatively demands. This is a home for the soldiers who have "borne the battle" in defence of the honor, integrity and perpetuity of the American Union. No men living have as powerful claims upon the generosity and nurturing care of the Commonwealth of Pennsylvania, as those who, upon the battle-field, fought to protect it against threatened devastation and destruction, and who in this patriotic service, endangered their lives, sacrificed their health, lost their limbs, and became enfeebled and disabled for life. And yet we daily see these men (and who does not blush to see them?) to whom we owe the preservation of our government, the homes we enjoy, and almost everything we possess, hobbling about our streets on crutches, with missing limbs, and otherwise so enfeebled as to be entirely unfitted for any remunerative employment, begging their bread from door to door, or sitting upon the corners of the streets turning an organ for the few pennies the charitable passer-by may feel disposed to bestow. Every one of these helpless men, whose patriotic devotion to his country has brought him to this deplorable condition, is a burning reproach to the State for whose welfare he has met the most serious and lamentable of all misfor-



tunes. All of them appeal, by their wounds and destitution, to the people of the Commonwealth for that care which, in such contingencies, was promised the soldier of the Union, his widow, and his orphan children. It is time that all such promises should be redeemed. The wounded and helpless soldiers have a claim upon the State which should not, and cannot be ignored. And I do earnestly recommend in their name, and in their behalf, that measures be taken by your honorable body, to establish for them a home where they shall be amply provided with the necessary comforts of life, and no longer be compelled to be pensioners upon the scanty charity of the world. This is a debt the State absolutely owes, and no time should be lost in its honorable liquidation.

#### INSURANCE DEPARTMENT.

In two former communications your attention was called to the importance of establishing in the State an insurance department similar to those existing in other States. But the Legislature has thus far failed to give the subject that consideration which interests of such magnitude to the people seem to demand. Insurance departments in some of the States are regarded of paramount importance, as they effectually guard the interests of the insured, and through their healthy influence frauds and spurious companies so common in Pennsylvania, are rendered almost impossible. The greatest benefits would certainly accrue both to the companies and policy holders, as has already been demonstrated in the States of New York and Massachusetts, where the subject of insurance has received the most careful study and attention, and been reduced to a science which commands the approbation and confidence of all who seek its protection. The necessity for such a department, with full powers to organize and examine all insurance companies, is



sanctioned by the wisdom of experience. And as I have heretofore remarked, the result of the protection thus afforded, is, that whilst foreign companies do immense business in this State, so little confidence is had in those of Pennsylvania that their business is almost entirely confined within the State limits; and even here foreign companies maintain an ascendancy. To this same defect is attributable the operations of the number of worthless companies that have suddenly sprung into existence without any solid basis, and as suddenly expired to the injury of those whose confidence they obtained, and to the dishonor of the Commonwealth.

In view of these facts, I earnestly repeat the recommendation made to the Legislature at its last session, that an insurance department be established, and a superintendent appointed by law, who shall have supervision and control over all insurance companies allowed to transact business within the State. The community is deeply interested in this matter, and demands the legislative protection.

Our laws in relation to life insurance companies are defective and need revision and correction. Without the protection referred to these laws bear unequally upon our own and foreign companies. The latter, being protected by legislative enactment, are enabled to transact an immense amount of business within the limits of this Commonwealth, whilst our companies, having no such protection, can do but little in other States. The consequence is, that foreign companies can readily afford to pay a license of five hundred dollars to conduct their extensive operations in Pennsylvania, whilst our companies would be sorely oppressed by the imposition of the same license tax in States where their operations are exceedingly limited. And yet these other States have retaliated upon our license law, by adopting its provisions and demanding



from our companies the same amount of license in each State that we demand of their companies in ours. This is not only oppressive to our own neglected companies, but it fails to furnish a just and equitable revenue from the various companies for the amount of business transacted. The tax should be made to bear equally upon all companies, whether home or foreign, and be adjusted proportionately to the extent of their several operations. This arrangement would be just to all—oppressive to none. The abolishment, therefore, of the license law, and the substitution in its place of a reasonable and equitable tax, would meet the approbation of all companies, in favor of equal and exact justice, whether belonging to this or any other State. At the same time it would insure a larger income to the Treasury. For instance, there are thirty-seven life insurance companies from other States doing business in Pennsylvania, who each pay a license of five hundred dollars, making the sum of eighteen thousand and five hundred dollars. Not one of these companies would object to paying an equal tax of say one-half of one per cent. upon the amount of their business. This, in the aggregate of the thirty-seven companies, is more than five millions of dollars, on which a tax of one-half of one per cent. would be twenty-five thousand dollars, increasing the revenue of the State from this source more than six thousand dollars, and at the same time equalizing the tax in accordance with the business done and profits received. An efficient law, establishing an Insurance Department, such as is recommended, would meet this and all matters connected with the subject of insurance, in all its branches.

#### THE AVONDALE DISASTER.

The recent disaster in the Avondale Coal Mine, in Luzerne county, is still fresh in the minds of the peo-



ple. It caused a thrill of horror to spread throughout the country; and even in Europe it has been productive of the most painful emotions and deepest sorrow for the sufferers. Women and children who had been accustomed to regard the occupation of the miner as one of ordinary character, now look upon it as fraught with danger, and part with relatives and friends, when about to pursue their perilous occupation with fearful forebodings. And even the sturdy miner, himself, trembles at his dangerous calling, and demands greater protection than has hitherto been afforded.

The history of this terrible calamity seems to be as follows: Early on the morning of the 6th of September last, one hundred and eight men entered the Avondale Mine to prosecute their avocation. None of them anticipated danger as they descended the fatal shaft; not one supposed that he was entering a tomb in which he was doomed to be buried alive. But the destroying angel hovered over them, and the shaft, constructed principally of combustible materials, having become ignited from some cause, yet undetermined, was soon a sheet of flame, and huge burning timbers came tumbling from above, choking up with fire and smoke the only avenue of escape. Sensible of their peril, the unfortunate men sought a place of safety, but it was not to be found. They cried for succor, but no earthly arm could give them help; hopeless they huddled together, and clasped in each others arms, met death in one of its most frightful and agonizing forms.

Whilst this fearful scene was transpiring below, the immense wooden structure above the shaft took fire, and burning with frightful rapidity, was soon reduced to a crumbling mass. Thousands of men, women and children soon surrounded the place, and being unable to afford the slightest relief to their suffering friends below, filled the air with lamentations, appalling even



to the stoutest hearts. Never before was a scene more heart-rending witnessed within the limits of this Commonwealth, and it is trusted that through your prompt and efficient legislative action, another such will never be permitted to occur.

The mines in many cases are constructed and managed in the most selfish and parsimonious manner, the owners exacting the largest amount of profit from them, for the least possible outlay; consequently some of them, like that of Avondale, are nothing but underground man-traps, without any other outlets than wooden chimnies, and these constantly liable to become blazing volcanoes, through which escape is impossible. The lives of so useful a class of men as our miners should not, and must not be permitted to be thus sacrificed upon the altar of human cupidity. Yet a reprehensible neglect to give them that protection by law which their valuable services, at best laborious and dangerous, unquestionably deserves, renders our mining system worse than that of any other country, whilst our mining interests are unequalled by those of any other part of the world.

The most appalling accidents on record have been traced to unsafe methods of ventilation, and more especially to the employment of furnaces at or near the bottom of the shafts. Where the furnace is used, and the smoke is carried through a wooden chimney, it seems almost certain that, sooner or later, by the inevitable accumulation of soot or carbon upon the frame-work, it must ignite from the ascending sparks or from the heat of the furnace, and a conflagration ensue. To guard against this, it should be made obligatory, if the ventilating furnace be still allowed, to build the chimnies, the sides of the shaft, and the buildings surrounding it at the top with incombustible materials. But even this precaution is not a sure safeguard, for the fire is liable, at any moment, to communicate



with the "fire-damp" or other gaseous vapors, that, despite of all known means of prevention, will generate in the best regulated mines. The propriety of dispensing entirely, therefore, with the furnace, has received the serious consideration of scientific miners and engineers, and the fan, in many instances, has been substituted, which being worked by machinery at the surface, produces a more constant current of air, dispenses it more freely through the gangways and chambers, and, in all respects, accomplishes the object desired with better effect; and when the shafts and surface buildings are fire-proof, without the possibility of danger. This system of ventilation, with advantages so palpably obvious, will, no doubt, be universally adopted. But the very nature of mining operations subjects them to other dangers. The walls and roofing of the mines, from the effects of blasting and other causes, frequently give way and fill up the gangways so as to render them impassable, as in the more recent calamity at Stockton, which resulted in the death of ten persons. Hence it is absolutely necessary, and should be imperatively demanded, that every mine should have more than a single avenue of ingress and egress. Whether as regards fire, or any other source of danger to which the miner is exposed, this is his surest promise of safety. Whatever system of ventilation may be approved, or safety lamp adopted, the means of escape from the mines, when danger occurs, will depend very materially upon the provision made for the exit of the miner.

The best method of constructing, ventilating and working the mines, should be unhesitatingly adopted; and the system adopted rigidly enforced. The inquiry, therefore, into the causes which produced this shocking catastrophe—the various theories that have been promulgated concerning it, the remedies for the prevention of similar occurrences hereafter, the con-



struction and ventilation of collieries, and the modes of conducting their operations so that the operatives may prosecute their labor without imperilling their lives, are proper subjects for legislative consideration.

Such laws as you may enact can most certainly be enforced by competent inspectors in the mining districts, who should be chosen with strict regard to character, integrity, capability and scientific knowledge; and whose duties should be so specifically defined that they cannot be misunderstood.

I, therefore, most respectfully and earnestly recommend that this whole subject receive the attention its importance demands, and that a law be passed, so general in its character and so stringent in its provisions, that the people of this Commonwealth will never again be appalled by a calamity, within her limits, so sad as that of Avondale.

#### BOARD OF PUBLIC CHARITIES.

In accordance with an act of the last Legislature, a Board of Public Charities has been appointed, consisting of the following gentlemen, viz: Gen. Thomas L. Kane, for five years; F. B. Penniman, Esq., four years; Hon. G. Dawson Coleman, three years; George L. Harrison, Esq., two years; and ————— one year. The board organized by electing Gen. Kane, President, and Hon. Wilmer Worthington, Secretary and General Agent. From the establishment of this board, and especially from the high character and qualifications of the gentlemen who have consented to assume its important trusts and responsibilities, we have reason to hope for the most beneficial results. This change in the management of our charitable affairs is deemed of the highest importance by many persons intimately conversant with the workings and management of these institutions.

A thorough review of all the establishments receiv-



ing appropriations from the State by this board, will give an assurance to the Legislature and the people, which they have never heretofore possessed, that their benefactions will be worthily bestowed and properly employed.

Some time during the present session, the board will present to the Legislature, a report of the condition and requirements of the various institutions that have been recipients of appropriations from the State, with such recommendations as may be deemed necessary; and, therefore, no information concerning them, except the annual reports of the superintendents, will at present be laid before you.

#### GEOLOGICAL SURVEY.

Many prominent citizens have represented that there exists great necessity for a more complete geological and mineralogical survey of the State than at present exists.

There is no doubt but the developments of mineral wealth that would result from such a survey would be immense, and the beneficial returns to the State would many times more than reimburse the Treasury for the expenses attending it, including the printing of reports, maps, &c., sufficient for the information of the people.

Should the Legislature concur in these views, and pass a law authorizing such a survey, it will meet with Executive approval.

#### INSPECTION OF GAS.

At the last session a law was passed creating the office of inspector of gas and gas metres for the county of Allegheny; and in accordance therewith, I have appointed an inspector possessing the necessary scientific qualifications.

The necessity for such a law has been long and ex-



tensively felt, and it has been earnestly demanded by a large number of highly respectable citizens, whose opinions are eminently worthy of consideration. I therefore respectfully recommend that the just and equitable provisions of the Allegheny county law be extended to other counties in which gas is largely consumed.

#### REVISION OF THE CIVIL CODE.

The law on this subject does not contemplate a full report from the Commissioners to revise the general statutes of the State, before the session of 1871. It may, however, be important to state that his work has so far progressed as to make it almost certain that it will be completed and ready for the press so soon after the close of the present session as will allow time to bring within the code such of your enactments as may with propriety be incorporated.

The Commissioners will report for your consideration, the revised school laws, as the present edition is exhausted, and it would be inexpedient to re-print them when they might be superseded by others in the course of the current year.

A general road law, and one for the support and maintenance of the poor, have heretofore been reported but not definitely acted upon, and the frequent demands made for such enactments to correct many existing abuses, and supply a common public want, render it desirable that these enactments should receive your early attention.

The State census will be taken during the year, and the law for its regulation having in it some provisions not now required, a revised bill will be presented by the Commissioners for legislative action.

In view of the changes which the revised code is expected to produce, it is desirable that no more laws of a general character be enacted than is indispensably



necessary, as they might occasion a necessity for a revision of what has already received appropriate attention, and cause delay in the completion of the work.

#### STATISTICS.

A great inconvenience has long been felt in every department of the executive and legislative branches of the government, for the want of properly recorded statistical information, relating to the development and growth of the resources of the Commonwealth. It is impossible for any State officer to report the actual or even approximate amount of any of our great natural resources, and it cannot be ascertained from year to year the amount of coal mined, petroleum produced, lumber cut or iron manufactured, without special reference to those who have charge of the industries growing out of these products. At very little cost and labor, statistics relating to all these objects could be gathered and annually embraced in a report to be made to, and published by the Legislature. The value of such information would be of incalculable importance in an official way, as well as in the general business of the country. It would stimulate competition, exhibit the inexhaustible materials within our borders, and give our people and others, a more perfect idea of our wealth and resources. The recommendation made last year for the establishment of a desk for the collection and preservation of statistics relative to exports and imports, agriculture, manufactures, coal, iron, oil, lumber, &c., and for the collection of mineralogical and geological specimens, and other things that may be deemed appropriate to such a department, is respectfully renewed, with the suggestion that the duties be attached to the office of the Librarian and his Assistant, with a reasonable increase of compensation, and an appropriation for the same.



## PRISON DISCIPLINE.

In accordance with a law approved April 13, 1867, Mahlon H. Dickinson, Esq., of Philadelphia, was appointed "to visit, for philanthropic purposes, the prisons and almshouses in the various counties of the Commonwealth." His second report, which is herewith presented, embraces a vast amount of useful information, and will be found highly interesting and worthy of mature consideration. It will be seen that while some of our county prisons have been constructed and are being conducted with strict regard to the proper objects of punishment, others are utterly unfit for any such purposes, and are a disgrace and reproach to a civilized age and a Christian people. The Commissioner, in regard to some of these, describes them "as being unsafe, where prisoners could not be held unless loaded with chains, where the sexes were not separated, where there was no discipline, or any effort made towards the moral or religious improvement of the inmates; the buildings totally unfit for the purposes of a prison; and where the prisoners became schooled in vice, and eventually graduated prepared for a life of lawlessness." In some of the prisons the cells are represented as contracted dungeons, into which not a ray of sunshine or a draft of pure air can enter, and in which a human being could not possibly live through a lengthy term of sentence. And in still others, in consequence of the want of proper accommodations, all classes of criminals, from the most hardened and aged to the youth of tender years, are permitted to congregate, and indulge in card playing, profanity, and almost every species of immorality and crime. Under such circumstances, reformation, which is the grand object of divine, and should be of all human laws and punishments, is rendered impossible; whilst hideous lessons of vice are taught and learned, to be practiced when future opportunity occurs. This



is all wrong, and a remedy for the evil should by all means be applied. No community has a moral or legal right to inflict punishment as a mere retaliatory measure, or in such a manner as to endanger the health and life of the criminal, to deaden him to all the better sensibilities of his nature, and to absolutely harden him to the commission of crime.

The commissioners appointed "to inquire into the various systems of prison discipline, as practiced in other States and countries, as compared with what is known as the Pennsylvania system," will submit you their report at an early day, from which you will learn that the capacity of our penitentiaries is at present competent for the safe keeping and proper punishment of all offenders of the higher grades, and that work-houses and houses of correction are needed for those whose crimes are of a more trivial character, and whose reformation and future usefulness may be accomplished by a humane system of discipline, such as will be recommended.

#### THE JUDICIARY.

Communications have been received from various parts of the State, representing that the present judicial force is inadequate for the purposes designed. Since the number of judges was fixed, the business of the courts has greatly increased, with our rapidly expanding population, and the multiplication of commercial and business operations of our growing Commonwealth. How far relief should be afforded is well worthy of careful consideration.

In one district of the Supreme Court, over seven hundred new cases have been docketed within one year. Many of these involve very large amounts and important legal principles and their proper consideration imposes upon the judges great labor and responsibility. In the other districts of this court the argument lists



are also becoming so crowded that it is impossible to dispose of the business with that promptness and intelligence demanded by the public interests; and especially, with one of the judges, as now required by law, assigned to duty in the court of nisi prius at Philadelphia. I therefore earnestly recommend an additional judge for this court, believing it a public necessity, in justice to the many suitors, and to the judges who have more work than should be required of the present number of men, let them be ever so laborious and efficient.

#### BOUNDARY LINE.

In obedience to "an act to settle, determine and locate the southern boundary line of the Commonwealth," approved March 20, 1869, I appointed James Worrall, Esq., of Harrisburg, and Strickland Kneass, Esq., of Philadelphia, both civil engineer, Commissioners on the part of Pennsylvania, to act "in conjunction with like Commissioners on the part of the State of Delaware."

The Governor of that State was promptly furnished with a copy of the act, and informed of the appointment of Commissioners under it, and his co-operation invited. But, so far as I am advised, no action of any kind has been taken by Delaware on the subject; and consequently the work contemplated by the act above referred to has not been performed.

Your special attention is invited to the report of our Commissioners, which is herewith communicated.

#### IN MEMORIAM.

It is eminently proper that special notice should be taken of the decease of such persons as have occupied prominent positions in, and rendered distinguished services to the State. Conspicuous among these were Hon. Joseph Ritner and Hon. David R. Porter, both



of whom died during the present administration. During their eventful lives they shared largely in the public confidence and regard, and filled many posts of honor, trust and responsibility, including that of Governor, with distinguished fidelity and patriotism. They were conspicuously identified with all the grave and important questions of State policy and administration, through the eventful period in which they lived, and contributed largely to shape and strengthen the firm foundations of our Commonwealth, upon which others have been enabled to build securely. They have passed away, ripe in years and full of honours; and it is respectfully submitted whether it be not proper for the Legislature to take some appropriate notice of the lamented death of these two distinguished public servants.

#### PARDONS.

It has grown into a custom to regard an application for executive clemency as an indispensable part of the machinery of criminal justice. Because the Executive is invested with the power to pardon, it is by many supposed that he has not only the right, but that it is his duty to examine into every allegation of error, and give a favorable response to every applicant; and hence, petitions for pardon are becoming so numerous that the mere examination of them is exhaustive of a large amount of valuable time; at least an hour in each case, exclusive of the time occupied in correspondence with the judges, district attorneys and other parties. Criminals are no sooner convicted, than their friends and other interested parties, who seem to think that it is the Governor's constitutional duty to nullify the laws instead of seeing that they are faithfully executed, prepare a raid upon him, and employ in their importunities for pardon every device that human ingenuity can suggest; and if but a tithe of the



representations set forth were believed, one would be led to suppose that our courts are daily guilty of the grossest blunders, and that justice is far more blind than she has ever been painted by the most skillful artist.

During the year ending December 31, 1869, there have been fifteen hundred and fifty applications for pardon, of which sixty-two, or four per cent., were granted, eleven hundred and eight rejected, and three hundred and eighty are still under advisement.

For some reason, not easily understood, it seems that public sentiment has become perverted on this important subject of pardons. The framers of our government, as I understand it, never contemplated an indiscriminate use of the pardoning power. It was only designed for the correction of manifest errors or oppressions, palpable mistakes, cases of after-discovered evidence, and others of exceptional character. Both the theory of our government and public policy require that the pardoning power should be kept within these reasonable limits; and not be made an instrument to defeat the execution of the laws and the administration of public justice. All ordinary cases, therefore, are wholly outside of, and in conflict with, the principle on which Executive clemency should be based; and none such should be presented for consideration. It is earnestly hoped the public will understand and act in accordance with this view of the subject, as due alike to the Executive and a proper regard for the execution of the laws.

#### NATIONAL AFFAIRS.

Having laid before you a general survey of the affairs and condition of the State, which relate to the common welfare, it affords me also the highest gratification to add that the amicable intercourse and pleasant relations which have so long existed between the



government of Pennsylvania and the governments of all the other States and of the Union, continue unimpaired; and consequently, our resolution, "to preserve, protect and defend" these fundamental principles of humanity, equal rights and equal justice to all, universal freedom and a united country, is greatly strengthened.

The general relations of the National Government, as set forth in the recent annual message of the President, continue to be "peace at home and without entangling alliances abroad;" the reconstruction of the States lately in rebellion is being rapidly accomplished—the revenues are faithfully collected—the National debt is being liquidated, at the rate of about one hundred million dollars per annum, and repudiation has been emphatically repudiated. A strict and uncompromising adherence to this policy by a prudent and economical administration has already restored the National character to the fullest confidence in the minds, not only of our countrymen but of foreigners, and has allayed all spirit of discontent that might have been dangerous to the stability of our institutions.

There is another subject also of National importance claiming our attention, because it directly affects the industrial operations in which Pennsylvania is so largely interested. Movements, characterized with the greatest energy, are now being made by those interested in free trade, to induce Congress to take such action as will permit the free introduction of steel, iron and iron materials for ship building, and many other modifications of the tariff laws. Should such efforts be successful, the result must prove disastrous to the great coal, iron and other interests of our State, diminishing the production of iron and other manufactured articles, and consequently the consumption of coal, and be destructive to our valuable home markets. It would also prove disastrous to many of our cap-



italists and working people—depriving them of all reasonable prospects of future activity and remunerating wages—and bring our producers into a ruinous competition with pauper labor from abroad. So far as the present system affords protection to the manufactures, labor and products of Pennsylvania, it is obligatory upon us to use all favorable means to prevent any reduction of existing duties. Our miners, laborers and manufacturers should not be thrown out of employment by the proposed change of duties on foreign imports, which has always heretofore resulted in the prostration of every department of trade, labor and business, and entailed upon us the manifold evils of National, State and individual bankruptcy. We owe it as a duty to our constituents to instruct our Senators and request our Representatives in Congress to oppose all such attempts. For the same reasons we should oppose any reciprocity treaties by which the people of Canada can gain advantages over our own lumbermen, farmers and other producers, within our limits.

While acknowledging the rightful constitutional authority of the General Government to dispose of all questions relative to national affairs, and while in no manner seeking to interfere with the exercise of that authority, I cannot refrain from alluding to the fact, that for more than a year a brave people in Cuba have been struggling for their independence against great odds, in the face of barbarities and atrocities which will forever be a foul blot upon the history of Spain. We should indeed be unmindful of humanity and of the greatness of our nationality, if we omitted to notice this patriotic effort by the Cubans to throw off the Spanish yoke, and like our own ancestors, “to assume among the powers of the earth the separate and equal station to which nature and nature’s God entitle them.” The new organization has abolished slavery, and attest-



ed its right not only to our sympathy but to recognition, by the vigor and determination of its resistance to the oppressions of the mother country. Almost from the beginning of our National Government, Congress has furnished numerous precedents for the action here indicated, even when the people struggling for liberty were not upon the American continent. They recognized Greece in her efforts to establish her nationality against Turkish oppression. The same spirit prevailed not only towards Poland, Italy and Hungary, but to Ireland in all her movements to regain her long lost nationality. These countries had the unmistakable sympathy of the people of the United States, and our public men, in every branch of the government, never hesitated to speak in their defence. In the case of the French revolution, the statesmen of America gave every encouragement to the people of that country to establish a republican form of government. Upon this continent there are numerous instances of active sympathies with the struggles of the people for liberty in various nations. In the case of Texas, during her conflict with Mexico, she not only had our undisguised friendship, but obtained our recognition of her independent nationality, and soon afterwards she was annexed to our great sisterhood of States.

It is in singular contrast with these historic precedents, that the people of Cuba have as yet received no national encouragement or recognition, while they are imitating the example of our fathers, who, as colonists, struck down the hand which oppressed them, and established for themselves a free and independent government. There is no question but that the patriots of Cuba have the warm and emphatic sympathy of a great majority of the people of this and other States, and I but give utterance to what is an abiding sentiment among the masses, when I declare a hearty sym-



pathy with the people of that Island now endeavoring to cast off the yoke of oppression fastened so long upon them by an intolerant government. The gem of the Antilles of right belongs to republican rule, and is, to all intents and purposes, covered by the Monroe doctrine, so that whatever recognition the government might extend to the republicans of Cuba, it would only amount to the practical enforcement of what our nation has so long advanced in theory. Cuba is an American island. Geographically it belongs to the United States. Its acquisition has been a leading principle with many of our ablest statesmen from an early period in our history. Jefferson, Madison, Adams, Clay, Van Buren, Buchanan and many others advocated the incorporation of Cuba into the Union. It is hoped the time will soon come, if it has not already arrived, when by the enunciation of a prompt and decided policy a brave people may be recognized as independent, and the cause of republican principles receive new encouragement.

The management of our national finances is one of the most delicate and important questions now under consideration by the American people, and while it is not my intention to offer any plan to settle a matter which seems to give so much trouble to many of our most experienced financiers, a few suggestions may not be out of place.

It will be remembered that by the establishment of our National banks, the best and safest paper currency that ever existed in this nation has been afforded. Great caution should therefore be taken not to mar a system that has been so generally beneficial. When the government established the National banks, our State banks were taxed out of existence and destroyed as such, but in many instances they were renewed by the solemn enactment of Congress, under whose supervision they were promised a just, kind and fostering



care. It seems unjust, therefore, that the government should propose to withdraw a part of their circulation from them and give it to new ones to be organized where none now exist. If new banks should be created wherever they may be required they should receive their circulation from an increase of the amount now authorized by law. The circulation to be the same as the banks now have and on the same kind of securities. In my opinion a policy of expansion of the currency should be adopted that will give ease and comfort to the people and that will cheer up and reassure our business men and put the wheels of commerce, manufactures and labor in full operation. It will prevent a decline in the revenues derived from the tariff and internal taxation and will save thousands of citizens from the crushing effects of contraction. As a part of the same policy there should be no hesitation about the abandonment of the idea of reducing the currency by the adoption of any plan to curtail the amount of legal tenders now in circulation.

The constant and natural approach to specie payments is the only safe mode, in my opinion, to accomplish that desirable end. Any compulsory law that may be enacted will in all probability be a failure. I do not hesitate to say that the contraction of the currency at this time would be productive of great injury both to individuals and to the general interests of the Nation. Let there be a liberal encouragement of railroads, manufactures and every project that will afford employment and compensation to our toiling millions. Encourage a vigorous collection of the revenues on luxuries. Maintain a strong treasury, with gold sufficient to keep a check upon those who might be disposed to disturb the natural tendency towards specie payments, or for the purpose of speculation. There should be a steady but moderate reduction of the National debt, a funding of the present six per cent. five-twenty bonds



in others, at a lower rate of interest, not by compulsion but by fair dealing, and the establishing of a sinking fund, at such a rate as will pay off the debt in about thirty years. We shall then not only find the business of the country reviving, but our business men ready to expand their operations with the greatest encouragement.

The foregoing are the only subjects connected with State and National affairs that I have deemed of sufficient importance to offer for your consideration at the present time; and I conclude by expressing the hope that your session will be marked by harmony among yourselves and the members of the several State Departments, and your deliberations result in lasting benefit to the Commonwealth.

JNO. W. GEARY.

Executive Chamber,  
Harrisburg, January 5, 1870.



## PARDON REPORT.

Tabular Statement of the number of pardons, remissions of fines and forfeited recognizances, (with the yearly average), restorations to citizenship and death warrants issued from the year 1791 to 1869, inclusive, together with the names of the Governors by whom they were issued.

Years, Inclusive.	Number of years.	Pardons and remissions.	Yearly average.	Death warrants.	Restoration to citizenship.	By Whom Issued.
From 1791 to 1799, ...	9	1,188	132	10	.....	Thomas Mifflin.
" 1800 to 1803, ...	4	1,909	212	10	.....	Thomas M'Kean.
" 1809 to 1817, ...	9	1,555	172	6	.....	Simon Snyder.
" 1818 to 1820, ...	3	1,304	434	6	.....	William Findlay.
" 1821 to 1823, ...	3	787	262	4	.....	Joseph Hlester.
" 1824 to 1829, ...	6	821	136	7	.....	John A. Shultz.
" 1830 to 1835, ...	6	502	83	8	.....	George Wolf.
" 1836 to 1838, ...	3	481	160	6	.....	Joseph Ritner.
" 1839 to 1844, ...	6	725	120	14	57	David R. Porter.
" 1845 to 1848, ...	4	327	81	11	35	Francis R. Shunk.
" 1849 to 1851, ...	3	378	126	6	29	William F. Johnston.
" 1852 to 1854, ...	3	326	108	11	37	William Bigler.
" 1855 to 1857, ...	3	161	53	8	37	James Pollock.
" 1858 to 1860, ...	3	216	72	12	34	William F. Packer.
" 1861 to 1866, ...	6	763	127	18	1	Andrew G. Curtin.
" 1867 to 1869, ...	3	224	78	17	1	John W. Geary.
	79	11,677	148	154	281	

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Extend the Term of Office of the Constables in the County of Berks."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**I** CANNOT APPROVE, AND THEREFORE RETURN, with my objections, Senate bill, No. 1847, entitled "An Act to extend the term of office of the constables in the county of Berks."

There are many good reasons why the laws on the subjects of constables should be uniform over the State; I am aware of no valid grounds on which Berks county can justly claim exemption from the general laws on the subject. Aside from this, I am especially opposed to the retrospective feature of the bill. If the people are to have the right to elect constables for three years, it is proper they should know it before the election, rather than legislate men into office for three years who were elected for only one.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Pottsville Loan and Savings Company, Schuylkill County."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No 549, entitled "An Act to incorporate the Pottsville loan and savings company, Schuylkill county."

The ninth section of the eleventh article of the Con-



stitution is as follows: "No bill shall be passed by the Legislature granting any powers or privileges in any case where the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."

The acts of 12th April, 1859, and of 12th April, 1867, authorize the courts to incorporate savings fund and loan associations, without banking or discounting privileges. It must be manifest the bill under consideration is within this constitutional prohibition; and the Legislature, therefore, has no jurisdiction in the premises. Had banking and discounting privileges been conferred, the Legislature would have had jurisdiction, provided the six months' advertisement had been made, as required by the twenty-fifth section of the first article of the Constitution. But it is not pretended this has been done.

It is claimed the courts would have no authority to confer the powers contained in the second section of the bill, as to married women and minors. This may be; but the main object of the bill, as shown by its provisions, and title, is to incorporate a loan and savings institution, and this the courts have the power to do, and the Legislature has not. It has become quite too common, of late, to insert some proviso or other clause in bills of this character, conferring some right or privilege, not within the jurisdiction of the courts, and then to insist that the bill must be accepted as a whole on that account. This can not be permitted, for it is too plain for argument that such a course would result in a complete nullification of that clause of the Constitution in question. If special powers or privileges, not within the jurisdiction of the courts, are needed, let them be claimed in bills for the purpose, unencumbered with provisions for other powers and privileges which the courts have the right to confer, and they will be duly considered. But part of a



law can not be approved and another part disapproved; and hence, in such cases, a regard for the Constitution, and for the rights of the public, leave no alternative but to veto the whole.

I am the less reluctant to withhold my approval from such enactments as this, in view of the fact that the courts of the State have repeatedly held that bills passed in violation of the Constitution are null and void, and confer no powers or privileges on the corporators. Executive approval can give no validity to unconstitutional enactments, and it is better for all concerned that such legislation should be arrested at once, before innocent parties have been induced, on the faith of such pretended charters, to invest their money.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Regulating the Mode of Voting at Township Elections in Saltlick Township, Fayette County."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**U**NWILLING TO ENCOURAGE SPECIAL LEGIS-  
lation, Senate bill, No. 590, entitled "An Act regulating the mode of voting at township elections in Saltlick township, Fayette county," is herewith returned with my objections.

The general law, approved 30th March, 1866, prescribed the several forms for the different tickets necessary to be voted at elections. This greatly simplified an important subject, and one which should be regulated by uniform laws throughout the State. But,



as usual, under our vicious system of special legislation, no sooner was the general law on the statute book than numerous local laws were passed for sundry townships and boroughs. Many of these were disapproved, and all of them ought to have been; and if not arrested we will soon be back again where we were prior to 1866, voting almost as many different forms of tickets as there are election districts in the Commonwealth, or as human ingenuity can devise.

As the bill under consideration comes within the general principle here condemned, it cannot be approved.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act to Consolidate, Revise and Amend the Laws of this Commonwealth Relating to Penal Proceedings and Pleadings.'"

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**A**FTER MATURE CONSIDERATION I FIND MYSELF unable to approve Senate bill, No. 632, entitled "A supplement to an act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,'" and herewith return the same with my objections.

This, if I mistake not, is one of the bills prepared and passed during the pendency of the applications for the pardons of George S. Twitchell and Gerald Eaton. Though neither better or worse on that account, it bears upon its face evidence of hasty and inconsiderate legislation.



The bill consists of two sections, and applies only to trials for murder in the first degree. The first section proposes to repeal so much of the thirty-third section of the act of 31st March, 1860, as requires a special allowance of a writ of error or certiorari by some one of the judges of the Supreme Court, or by the Attorney General. The effect of such repeal would be to allow every trial for murder in the first degree to be removed, at any stage of the proceedings, from the court in which they were pending to the Supreme Court, without any cause shown, and at the mere pleasure or caprice of the defendant. It must be manifest that this would work an entire revolution in the administration of the criminal law so far as relates to the crime of murder in the first degree. Practically it would throw nearly all such cases into the Supreme Court; for whenever the defendant would apprehend conviction, he would, as a matter of course, remove his case for the mere purpose of delay, to increase his chances of escape, and in the vague hope that something might turn up to his advantage. Are not the learned judges of our county courts competent to try this class of offenders? Is it not proper that such criminals should be tried by a jury of the vicinage? Would it be practicable to procure the attendance of the necessary witnesses at the ends of the State, where the Supreme Court for the most part holds its sessions? Is it advisable, or consistent with public policy, to treble or quadruple the delay and expenses of murder trials, and thus discourage the prosecution of this class of offenders? Has our Supreme Court nothing to do, that the Legislature should feel justified in imposing upon it the vast labor of these murder trials by jury? What superior claims upon the public have alleged murderers that they should no longer be tried in the same courts and by the same rules as other men? I can



find no satisfactory answer to these grave questions inside this bill, or outside of it; and hence the act has my most unqualified disapprobation.

The second section is unobjectionable, but is regarded as of little importance. Practically, so far as my knowledge and observation go, a writ of error suspends proceedings until the action of the superior court is known. But one section of a bill cannot be approved and another disapproved, and entertaining the views that I do on the first section, the second falls with it.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Middleburg Building Association."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**T**HE COURTS HAVE, AND THE LEGISLATURE has not authority to incorporate building associations. I therefore return, herewith, without my approval, Senate bill, No. 654, entitled "An Act to incorporate the Middleburg building association."

I have so frequently disapproved bills of this character, and given my reasons therefor, it is deemed unnecessary to repeat them. Any who desire may find them in House Journal for 1868, page 1039, and House Journal for 1869, page 54.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Declare and Confirm the Jurisdiction of the Court of Common Pleas of Butler County in a Certain Case of Equity Pending Therein, in Which Said County of Butler is Plaintiff, and the North Western Railroad Company, et al., Defendants."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**I** HEREWITH RETURN, WITH MY OBJECTIONS, Senate bill, No. 923, entitled "An Act to declare and confirm the jurisdiction of the court of common pleas of Butler county in a certain case of equity pending therein, in which said county of Butler is plaintiff, and the North-Western railroad company, et al., defendants."

From the preamble and body of this bill it appears that, after considerable litigation in the courts of Butler county, it became doubtful whether or not the courts had jurisdiction in the premises; and after the litigation has continued for ten years, the Legislature, by this bill, propose to declare and confer, or "confirm," the jurisdiction of the court. On general principles I am wholly opposed to legislative interference with pending litigation; and, after a careful examination, I can see nothing in this case which should make it an exception to the general rule. The jurisdiction of our courts is defined and regulated by law; and it is the duty of litigants to consider this preliminary question before commencing proceedings. If they neglect it through carelessness or negligence, and commence proceedings in the wrong court, or before the wrong tribunal, they should take the consequences; and have no right to call upon the Legislature to help them out by ex post facto laws, declaring or conferring jurisdiction where none before existed.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the Masonic Hall Association of Allegheny City, in the County of Allegheny, State of Pennsylvania."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT APPROVAL, Senate bill No. 1082, entitled "An Act to incorporate the Masonic Hall Association of Allegheny city, in the county of Allegheny, State of Pennsylvania."

Under various acts of Assembly the courts have power to incorporate hall associations, and hence the Legislature has no power to do it, under the ninth section of the eleventh article of the Constitution. My views have been so frequently given on this subject, at length, that I deem it unnecessary to repeat them. Any who wish can find them on page 62, of Senate Journal of 1869.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Providing for the Publication, by Borough and Township Officers in the County of Centre, of Annual Statements of Public Moneys Received and Disbursed by Them."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**U**NABLE TO SEE ANY PUBLIC NECESSITY for Senate bill, No. 1126, entitled "An Act providing for the publication, by borough and township officers in the county of Centre, of annual statements of public moneys received and disbursed by them," the same is herewith returned without my approval.



To require "school directors, overseers of the poor, supervisors of roads, and all other borough and township officers," who receive and pay out public moneys, to annually publish, in two newspapers, detailed statements of such receipts and expenditures, would add greatly to the burdens of taxation without any corresponding public benefit.

It is not believed any necessity exists for such an enactment, or that any public interest would be subserved thereby. The subject is a general one, and if legislation be needed it should be supplied by general and not by local enactments.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Citizens' Accidents and Life Insurance Company."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**A**FTER CAREFUL EXAMINATION, I FIND MYSELF unable to approve Senate bill, No. 1234, entitled "An Act to incorporate the Citizens' Accident and Life insurance company."

In the main it is in the usual form, and creates a corporation with all the usual powers and privileges, for the purposes indicated by the title. The eleventh section authorizes the courts to appoint the corporation trustee, assignee, guardian, committee or receiver, without any bond or other security than the capital stock of the company.

To protect the public in all these important interests the corporation is authorized to have a capital stock



of five hundred thousand dollars. The location of the company and principal place of business is to be at Pittsburg, but with power to establish agencies wherever it pleases. The five thousand dollars capital required to be paid up is wholly inadequate for the purposes contemplated by the bill, and is no sufficient protection to the large public interests likely to be affected.

I have so frequently given my views at length upon insurance companies of this character, it is deemed unnecessary to repeat or enlarge upon them. They may be found in House Journal for 1869, pages 1047-8.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the People's Safe Deposit and Trust Company."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**A**FTER CAREFUL CONSIDERATION, I FIND myself unable to approve Senate bill, No. 1235, entitled "An Act to incorporate the People's safe deposit and trust company," and herewith return the same with my objections.

The eighth section of the ninth article of the Constitution declares that "no bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title."

In the face of this prohibition, I have grave doubts of the power of the Legislature to include in any one bill the numerous subjects and powers embraced in the present act. The corporation created is authorized to buy and sell real estate without limit, and to



re-invest the proceeds; to receive on "deposit for safe keeping, jewelry, plate, stocks, bonds, money and valuable property of every kind;" also "to receive and hold on deposit and in trust \* \* \* estate, real, personal and mixed," with power to dispose of the same; also "to purchase, collect, adjust, settle, sell and dispose of notes, bonds, obligations and accounts of States and of individuals \* \* \* without proceedings in law or equity; \* \* \* and also to make insurance for the fidelity of persons holding places of trust and responsibility;" and also "to receive on deposit all such sums of money as any court of common pleas of Pennsylvania may order and direct."

Here, then, in addition to the objects indicated by the title, are a real estate agency, a savings fund association and an insurance company.

If all these things can be construed to be only one subject, I fear the constitutional prohibition will prove of little practical value.

Aside from this question of constitutional power, let us examine the bill on general principles of right and expediency. As security to the public for the faithful performance of all these manifold trusts and responsibilities, the amount of capital stock is fixed at seventy-five thousand dollars, with the privilege to increase the same to one hundred thousand dollars. But, although this amount of capital is authorized, it is not required to be either subscribed or paid. On the contrary, the company, in strict conformity with the provisions of this law, may be organized for business with a paid up capital of only two thousand five hundred dollars! Surely this sum is wholly inadequate, and is practically no security whatever for the proper discharge of the manifold powers, duties, trusts and responsibilities enumerated in the act. It would be a waste of time to argue against the policy of such legislation as this.



It might be that these great powers and privileges, if granted, would not be misused or abused, but that legislation is essentially vicious and dangerous which authorizes a wrong to be done, and assumes that the power to commit it will not be exercised. Moreover, this bill proposes, in addition to the many other privileges, to confer upon the corporation the right to charge ten per cent. per annum for the use of money. Intelligent men differ in opinion on the question whether or not the law should allow a greater rate of interest than six per cent., but no good reason can be imagined why corporations should be permitted to charge ten whilst individuals are confined to six per cent.

Another objection to this bill is based on the fact that it gives the proposed corporation no locality. It thus bears upon its face evidence that it is intended for mere purposes of speculation, and not to subserve any legitimate want in the business community.

The public has a right to demand protection against such legislation as this; and I feel impelled by a sense of duty to assume the responsibility of withholding Executive approval.

JNO. W. GEARY,

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To the Assembly Vetoing "An Act to Incorporate the United States Reduction Company."

Executive Chamber.

Harrisburg, January 5, 1870.

Gentlemen:—

**S**ENATE BILL, NO. 1313, ENTITLED "AN ACT to incorporate the United States reduction company," is herewith returned without approval.

In the first place the title is not in conformity with



the eighth section of the eleventh article of the Constitution, which requires the object of a bill to be clearly expressed in the title.

The present bill proposes to incorporate what has been heretofore known as a mining company, with most of the usual powers and privileges conferred upon such corporations, and it should have been named in the title accordingly.

In the next place the bill fixes no amount of capital stock for the company, and thus leaves room for the suspicion that the object is to escape the usual taxation on capital stock and dividends.

These objections are considered sufficient to require the return of the bill to the House in which it originated, for further consideration.

JNO. W. GEARY,

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Wyoming County Savings Bank."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

I CANNOT APPROVE SENATE BILL, NO. 1319, entitled "A supplement to an act to incorporate the Wyoming County Savings Bank."

The bill proposes to authorize the corporation named to charge ten per cent. per annum for the use of money. My reasons for not allowing this privilege to corporations, when by the general law of the State it is denied to individuals, have been so often given to the Senate and House, a repetition of them is here deemed unnecessary.

JNO. W. GEARY,



To the Assembly Vetoing "An Act to Empower the Court of Quarter Sessions of the Peace of Luzerne and Perry Counties to Appoint Auditors to Audit or Re-audit Bounty Accounts in the Several Boroughs and Townships in Said Counties."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:—

**S**ENATE BILL NO. 1345, ENTITLED "AN ACT to empower the court of quarter sessions of the peace of Luzerne and Perry counties to appoint auditors to audit or re-audit bounty accounts in the several boroughs and townships in said counties," is herewith returned without approval.

Protests are filed against this enactment on several grounds:

First. Because its effect would be to arrest the payment of bounty taxes, under an apprehension that the whole subject might at any time be re-adjusted by virtue of the proceedings authorized by the act.

Second. Because it authorizes the re-opening and re-auditing of accounts long since properly audited and settled, to the great detriment of those who, on the strength of such settlements, may not have preserved their vouchers and papers; and this too, although such settlements may have been entirely just and satisfactory to nine-tenths of the persons interested therein.

Regarding these objections as well taken, I respectfully return the bill to the House in which it originated, for further consideration.

JNO. W. GEARY,



To the Assembly Vetoing "An Act for the Incorporation of Trustees for the Diocese of Pittsburg."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:

**N**OTWITHSTANDING A DESIRE TO ACCOMMODATE the friends of Senate bill No. 1715, entitled "An act for the incorporation of trustees for the diocese of Pittsburg," I find myself compelled to return it with my objections.

By the act of April 6, 1791, the Supreme Court, and by the acts of October 13, 1840, and March 26, 1867, the several courts of common pleas are authorized and empowered to create corporations "for any literary, charitable or religious purpose."

The ninth section of the eleventh article of the Constitution is as follows: "No bill shall be passed by the Legislature granting any powers or privileges in any case, where the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."

I can not but regard the bill as incorporating a company for religious purposes, and therefore clearly within this prohibition.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Declaring Certain Real Estate of John McCormick Exempt from Collateral Inheritance Tax."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:

**I** HAVE FELT IT MY DUTY HERETOFORE TO return, without approval, sundry bills proposing to exempt real estate from collateral inheritance tax.



Believing Senate bill No. 1761, entitled "An act declaring certain real estate of John M'Cormick exempt from collateral inheritance tax," to be in principle substantially the same as those I have disapproved, it also is herewith returned with my objections.

It is special legislation on a subject which should be governed by general laws. If the law imposing collateral inheritance tax be wrong in principle, which I am not prepared to admit, let it be repealed; but whilst it remains on the statute book, let it be enforced upon all alike. Those who desire can find my views more fully stated, in former veto messages on this subject, in House Journal of 1868, page 96, and House Journal of 1869, page 1045.

A special objection to the bill now under consideration, is found in the fact, that it assumes to justify itself on the ground that the real estate in question is not liable to the tax. If not liable, then why enact a law to exempt it? And if the question of liability be the one in dispute, the court, and not the Legislature, is the proper tribunal in which to have the question settled.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act Incorporating the Germania Savings Institution."

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill No. 1796, entitled "A supplement to an act incorporating the Germania savings institution."



It is seldom so short a bill is found open to so many objections.

The eighth section of the eleventh article of the Constitution declares that "no bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title."

The present bill, so far as indicated by the title, merely purports to be a supplement to the original act incorporating the Germania savings institution; and yet it proposes to confer upon the corporation all the usual powers and privileges of a safe deposit, trust and guarantee company. It is very doubtful whether the Legislature has the power to do what this bill proposes, in the face of the constitutional prohibition above quoted. Moreover the enrolment tax has never been paid on the original act, to which this is a supplement; and hence there is no law in force to amend, or to which a supplement can properly attach.

It is useless to go through the forms of legislation when, as a result, no laws are placed on the statute book; and it is considered against public policy to thus encourage the non-payment of enrolment taxes due the State.

This supplement proposes also to authorize the corporation to take ten per cent. interest for the use of money. Intelligent men are much divided in opinion on the question whether or not the legal rate of interest should be increased. But it must be manifest that such increase, if made, should be by general law; and no good reason can be imagined why corporations should be allowed to charge ten per cent. interest, whilst individuals are only permitted to charge six.

JNO. W. GEARY.



To the Assembly Vetoing "A Further Supplement to an Act Entitled 'An Act to Establish a Board of Wardens for the Port of Philadelphia, et cetera.'"

Executive Chamber,  
Harrisburg, January 5, 1870.

Gentlemen:

**O**N 15TH APRIL, 1869, I RECEIVED SENATE bill No. 1850, entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the port of Philadelphia, et cetera,' approved March 29, 1803."

Before any official action thereon, but after the Legislature had adjourned sine die, I received notice, by an extract from the Journal of the House, that the final vote on said bill had been re-considered, and the bill negatived, with a request that I should withhold my signature, and return the same to the House of Representatives.

In compliance with that request, the bill is herewith returned without approval.

JNO. W. GEARY.

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Inaugural Address to the Assembly.—1870.

Fellow-Citizens:

**H**AVING BEEN HONORED, A SECOND TIME, by the voluntary suffrages of my countrymen as their choice for Chief Magistrate of the Commonwealth of Pennsylvania, I have, in the presence of God and of this assembled multitude, renewed the solemn and binding obligation required of me by law, to support the State and National Constitutions, and to perform with fidelity the duties devolving upon me as Governor. It shall be my constant aim and most earnest effort to observe the very letter as well as the full spirit, meaning and intent of the obligation I have just taken.



Deeply impressed with the most profound gratitude, I can but express my most hearty thanks to the good citizens of this Commonwealth for the generous confidence and partiality they have reposed in me by re-election to the most honorable and most responsible position in their gift. But knowing well their exactions and requirements of one who occupies a position so exalted, it is with extreme diffidence I again undertake responsibilities of such vast importance, which even the boldest and most gifted might hesitate to assume. And however determined may be my endeavors to realize the expectations of my friends in support of the right, and to battle against whatever, in my judgment, may be wrong, still I am conscious of the necessity for some sustaining power, and, therefore, I unhesitatingly acknowledge my dependence upon the enlightened support and patriotism of my fellow-citizens, and my firm reliance upon the unerring wisdom and never failing aid of Him who controls alike the destinies of individuals and of nations.

The settlement of the vexed questions growing out of the armed conflict with treason, devolves a mighty responsibility on the loyal men of the land. Armed rebellion was signally crushed by the force of armed loyalty, and the government has triumphantly established its ability successfully to suppress domestic insurrection, however gigantic. The war itself has served to stimulate our people to fresh energies, and to the development of new enterprises. Our manufactories have multiplied, plenty has smiled upon our fields, and blessed the labors of the husbandman. Peace has restored our people to their homes, and cheered our firesides. The rates of taxation have been reduced, and are entirely abolished upon real estate for the use of the Commonwealth. Our State debt is being steadily and surely liquidated. Immense sums have been paid for pensions and other charities. The



cause of education has advanced, and the institutions for the support and tuition of the soldiers' orphans have been liberally supplied. Railroads have been constructed, and new material resources developed. And thus our State and Nation are rapidly progressing in the attainment of those elements of greatness which have already placed our country in the foremost rank of the powers of the earth. The great railroad which binds our State to the Far West, and it in turn to the oriental nations, has been completed, and all our efforts to add to our material prosperity have been crowned with unparalleled success.

It was my privilege to announce from this stand, three years ago, the principles which would guide me in the administration of the office of Governor. At that time I dwelt upon and expressed my views in reference to all questions then occupying a share of public attention. I have since, from time to time, in messages to the Legislature, set forth the condition of the State, recommended such measures as I deemed expedient and calculated to advance her interests, and expressed my views upon the various topics of the day that were of State or National importance. And having fully reflected thereon, I am the more confirmed therein, and know of no reason why I should not endorse and reiterate them as fully, on this occasion, as if I again promulgated them word for word. And now, acknowledging my responsibility in its broadest sense, as a representative, to my constituents, and considering the magnitude of the interests which have again been committed to my charge, I feel it is due to the people and incumbent upon myself, to refer them to the documents indicated, for an outline of the general policy which is intended as a guide for the incoming administration, rather than encumber this address, or unnecessarily delay this audience with their repetition. I have no new pledges to make, but confi-



dently refer to the record of my past life, as evidence at least of my zeal and devotion to the best interests of my State and country, and for the rectitude of my intentions. And although the ability which I bring to the discharge of such high duties may be limited, I shall confidently rely upon the kind indulgence of my fellow-citizens and upon a conscientious effort to uphold unblemished, and transmit untarnished to my successor in office, and to posterity, the fair fame and good name of our magnificent old Commonwealth.

Difficulties of no ordinary character constantly surround your executive officer in the discharge of the many duties devolving upon him, concerning each of which there may be conflicting opinions. It being, therefore, impossible to satisfy all, his only safe-guard is to adopt, and act in accordance with those sterling and beneficent maxims to which the early fathers gave utterance, which have been sanctioned by wisdom and experience, and resulted in the rapid growth and prosperity of our institutions, and the liberty and happiness of our people.

The Constitution vests "the supreme Executive power" of the State in the Governor, and directs that "he shall take care that the laws be faithfully executed." The supreme earthly authority recognized by us, therefore, is the law—the rightfully determined will of the people. "No citizen is so exalted as to be above, and none so low as to be beneath its power." The Executive is as much the subject of the laws of the State as the humblest individual within its borders. In pursuance of these principles, and in the execution of the laws, I have endeavored, during my term of office, faithfully to discharge every official duty with a full reference to my sworn obligation, and as I shall answer at the last great day.

It should be our earnest effort to faithfully dis-



charge all our obligations and responsibilities, both as citizens and magistrates. We should ~~cease~~ to tolerate anything as "politically right, that is morally wrong," and actively proscribe the corruption which too frequently marks the administration of public affairs—an evil to which attention cannot too frequently or too forcibly be invited. No sign more certainly indicates the downfall of free institutions than *the* indifference of the people to the moral depravity of those in authority. All history warns us to hold to *our* integrity as we value our national existence. Forcibly impressed with these ideas, I call upon all legislators, and upon all good citizens, and especially upon the conductors of the public press—the ever faithful sentinels of a free people—to aid in giving that tone to public sentiment which shall purify our State, and relieve her from the reproach of even countenancing those who would make a traffic of their offices in violation of their obligations. Look to it well and closely, fellow-citizens, and begin at once to teach your servants that the "public will" must be obeyed, and that the "public weal" is the first object to be attained in a free government. If you permit speculators to enrich themselves out of the public Treasury, and at the same time to corrupt the law-making branch of *the* government, you pave the way to anarchy, you set the example which tempts to crime, and offer to *the* world an evidence, most conclusive, that self-government is a failure.

Owing to the many efforts made on the part of free traders for the abolishment of the natural and wholesome protection now afforded to our home industry and to labor, I consider it a subject which claims a portion of our time and attention. If our national industry and natural productions, represented by thousands of factories, mines and other sources of



labor, are to be preserved, there should be no reduction of duties which shall enable the underpaid and overworked population of the Old World to flood our State with the product of their mines and workshops at the cost of our destruction. The articles thus admitted would undersell the products of our artizans at our very doors, and our factories would be closed, as heretofore, by similar causes. This will throw out of employment thousands of industrious men, and entail ruin upon them and their families, merely for the benefit and aggrandizement of foreign manufactures and capitalists. As soon as our industrial arms are paralyzed and competition is destroyed, the monopolist can command his own price, and it is thus clear that the policy of free-trade can never permanently benefit any country that will sanction its adoption. Impelled by every feeling of interest, humanity and justice for our artizans and laborers we should unhesitatingly set our faces against this heresy. We should, therefore, not only earnestly legislate for the benefit of capital, but for the toiling sons and daughters of our own country. It should be our constant effort to improve their social condition, to advance their intellectual status, and above all to shield them from the destitution which is threatened by the enemies of protection to our industrial pursuits.

In my several messages to the Legislature I have taken occasion to refer to a subject which I regard as of paramount importance to the prosperity and even the stability of our government. No nation can long exist that attempts to violate any of its obligations. The most prominent among these is the faithful payment of all its indebtedness. No good reason can be given for the repudiation of a single farthing. I said in my message of January, 1868, "The people of Pennsylvania, ever true to the Union, and unswerving in their determination to preserve its honor, integrity and



perpetuity, are proud and free to assert the sacredness of the national debt, and that its ultimate payment in full must be secured." In my message of 1869, I called attention to the same subject, in these words: "The voice of Pennsylvania, as well as that of a majority of the States, has at the ballot-box proclaimed to the world that all our national indebtedness, no matter how heavy the burden, will be paid according to the letter and spirit of the agreements made and entered into at the time the debt was contracted; and that in this, as in all other respects, our individual and national honor must and shall be preserved." These sentiments, so clearly expressed, I have taken frequent occasion to reiterate, and it affords me great satisfaction to observe that many who have heretofore been hostile to, or silent on this most important subject, are becoming warm in their advocacy of the principles here enunciated.

Those who saved this government from the destruction designed by treason, are they who will perpetuate it as a blessing for future generations. All that is asked of the people is to strengthen and uphold the hands of the men who have been called to do the work of reconstruction, and when that work is finished in the spirit in which it has been begun by the present National Administration, we will have a government and a country mighty in their munificence, glorious in their prosperity.

The preservation of the peace and quiet of our country, maintaining unsullied our national honor, and the harmony of the Union are among our highest duties. Let us encourage every branch of home industry, advance the true interests of moral, physical and intellectual labor, and reaching forward to the prize of the manifest destiny of our glorious Commonwealth, we may hope for her increasing prosperity, and, above all, for the smiles of an approving Providence.



I earnestly invoke a continuance of the blessings and favors which we, as a people, have long enjoyed, that Pennsylvania may be ever ready to extend her sympathies to those struggling for liberty, to succor the helpless exile, and be an asylum to the persecuted and oppressed; and thus forever identify herself with the cause of equal rights and with the interests of universal freedom, justice and humanity. Then can we with truth and pride proclaim, "Long live the Commonwealth," whose guiding principles are found in the motto of our State, "Virtue, Liberty and Independence."

JNO. W. GEARY.

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To the Senate Nominating Charles S. Minor a Trustee of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 20, 1870.

Senators:

**I** DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of the General Assembly, approved April 14, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Charles S. Minor, of the county of Wayne, to be a trustee of the Pennsylvania State Lunatic hospital, for the unexpired term of Francis B. Penniman, Esq., resigned.

JNO. W. GEARY.



To the Assembly Transmitting Certain Bills Prepared by the Commissioners to Revise the Civil Code.

Executive Chamber,  
Harrisburg, January 20, 1870.

Gentlemen:

**I HAVE THE HONOR TO TRANSMIT HEREWITH**  
sundry bills, prepared by the commissioners to revise the civil code, viz:

One creating a department of instruction for the education of the youth, and others, of the Commonwealth.

One to provide for taking the enumeration of taxable inhabitants of the State; and

One to provide for the support of the poor.

To these, and also to another bill prepared and heretofore submitted by the commissioners on the subject of roads and highways (and now in the hands of J. H. Longenecker, Esq., of the House), your early and careful consideration is invited.

JNO. W. GEARY.

**REPORT FROM THE COMMISSIONERS APPOINTED TO  
REVISE THE CIVIL CODE, VIZ:**

By the provisions of the joint resolutions of April 8, 1868, the commissioners for revising the general civil statutes of the State are required to have their work, as a whole, printed for distribution immediately after the fall election of 1870. The work will be completed and ready for the press within two or three weeks after the close of the present Legislature; during which time the general laws of this winter's enactment will be incorporated into the revised code.

There are certain subjects, however, which appear to claim earlier attention, and bills have been prepared for them, and which are herewith respectfully reported. They relate to "education;" "the poor;" to "roads and highways," and the enumeration of the taxable inhabitants of the State.

The last edition of the common school laws having run out while demands were constantly making for them, it was deemed more advisable to revise those laws, for early legislative consideration, than to have a new edition struck off, when in



all probability it would in a short time have to be dispensed with.

The provisions of the present bill are based upon those of the old laws, but with such modifications and changes as the able and efficient State Superintendent has himself suggested. The title of the bill is more in harmony with the several subjects it treats of than would that of the existing laws be. The section in relation to colleges was introduced with a view to the concentration of their statistics for public information. The one forbidding the exclusion of the Scriptures from schools was to prevent agitation in relation to them, and to leave to each one, old and young, the right to read or not read them in the schools, as individual taste or pleasure would allow. The salary of the Superintendent has been increased to \$3,500, not from any desire manifested by the present one that he might be benefited by it, but from a deep conviction of the commissioners that the services rendered are more than an equivalent for the compensation allowed him. We should be, as we can afford to be, liberal in the remuneration made to those to whom is entrusted the mental and moral training of our children; and in proportion as this is done, will the competency and efficiency of the teachers and superintendents be found. Parsimony here cannot fail to show in the end the lack of the wisdom and policy which controls it.

A new apportionment law will have to be enacted next winter, and in view of this the bill for numbering the taxables of the State has been prepared and is now reported. Since the last enumeration changes have occurred in relation to our colored people, and the bill is made to accommodate the law to this condition of things. In no other material respect, except in phraseology and arrangement, does it change the law from what it now is.

The bill providing for the poor was heretofore reported, but was not acted upon; and the same may be said of the one relating to roads and highways, which is now in the hands of a gentleman of the House who will call early attention to it.

Many and pressing applications have been made to the commissioners for immediate action on these two subjects. In some parts of the State it is represented that existing laws are wholly inadequate to insure proper attention to the roads; and it is respectfully requested that the bill for the correction of the evil may receive due consideration.

DAVID DERICKSON.



To the Speaker of the Senate Giving Notice of the  
Appointment of F. Carroll Brewster Attorney Gen-  
eral of the Commonwealth.

Executive Chamber,  
Harrisburg, January 21, 1870.

To the Hon. Chas. H. Stinson,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania that on the 26th day of October  
last I appointed and commissioned F. Carroll  
Brewster, Esquire, of the city of Philadelphia, to be  
Attorney General of the State of Pennsylvania.

I have the honor to be, sir,

Your obedient servant,

JNO. W. GEARY,  
Governor.

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To the Speaker of the Senate, Giving Notice of the  
Appointment of Francis Jordan Secretary of the  
Commonwealth.

Executive Chamber,  
Harrisburg, January 21, 1870.

To the Hon. Chas. H. Stinson,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania that on the 20th inst. I appointed  
and commissioned Francis Jordan, Esquire, of  
the county of Bedford, to be Secretary of the Common-  
wealth, agreeably to the eighth section of the second  
article of the Constitution.

I have the honor to be, sir,

Your obedient servant,

JNO. W. GEARY,  
Governor.



John White Geary.

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To the Speaker of the Senate Giving Notice of the  
Appointment of A. L. Russell Adjutant General.

Executive Chamber,  
Harrisburg, January 21, 1870.

To the Hon. Chas. H. Stinson,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania that on the 8th day of January,  
inst., I appointed and commissioned A. L. Rus-  
sell, Esquire, of the county of Dauphin, Adjutant Gen-  
eral of the State of Pennsylvania.

I have the honor to be, sir,

Your obedient servant,

JNO. W. GEARY,  
Governor.

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To the Senate Nominating John Youngman Super-  
intendent of Public Printing.

Executive Chamber,  
Harrisburg, January 21, 1870.

Senators:

**I** HEREBY NOMINATE, FOR THE ADVICE AND  
consent of the Senate, John Youngman, Esquire,  
of the county of Northumberland, to be Superin-  
tendent of Public Printing from the 15th day of July,  
A. D. 1869, to the 15th day of July, A. D. 1870, agree-  
ably to the provisions of the act, approved the 9th day  
of April, A. D. 1856, entitled "An act relating to public  
printing."

JNO. W. GEARY,  
Governor.



To the Assembly Vetoing "An Act in Relation to the Fees of the Clerk of the Quarter Sessions of the Peace of the County of Schuylkill."

Executive Chamber,  
Harrisburg, January 24, 1870.

Gentlemen:

**O**PPPOSED ON PRINCIPLE TO SPECIAL LEGIS-  
lation, I cannot approve Senate bill No. 13, en-  
titled "An act in relation to the fees of the clerk  
of the quarter sessions of the peace of the county of  
Schuylkill."

A general law regulating fees was approved April 2, 1868. The fourth section of it prescribes the fees for the clerks of the courts of quarter sessions, and allows one dollar and thirty cents for all proceedings on tavern and eating house licenses, including certificate and seal; and the last paragraph of the section would, no doubt, be construed to authorize the same fees for the wholesale liquor license. These fees are believed to be reasonable and fair; and if so for the other counties of the State, why not for Schuylkill? The same services rendered should be compensated by the same fees in the several counties; and no good reason can be imagined why the fees for services in one county should be over one hundred per cent. more than for the same service in the others, as proposed by this bill. The general law of 1868, is based on the correct principle of uniformity, and I am unwilling to see it frittered away by such local enactments as the one under consideration. If Schuylkill county can justly claim exemption from the general laws regulating fees, so, on the same principle, can every other county; and we can thus encumber the statute books with as many laws on this subject as there are counties in the State; and thus perpetuate and multiply inequality and injustice, in manifest violation of the plainest and most elementary principles of sound legislation.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Provide for the Appointment of a Metropolitan Police for the City of Philadelphia."

Executive Chamber,  
Harrisburg, February 10, 1870.

Gentlemen:

**H**AVING CAREFULLY CONSIDERED SENATE bill No. 29, entitled "An act to provide for the appointment of a metropolitan police for the city of Philadelphia," and although actuated by a sincere desire to conform my action in regard to it to that of the General Assembly, I am constrained to withhold the Executive sanction, and proceed to the constitutional duty of giving my reasons for disapproving.

In the first place the title is not in conformity with the eighth section of the eleventh article of the Constitution, which declares that "no bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title." As I read the bill one of its most important features is the election of five police commissioners, and yet this idea is neither clearly expressed or even remotely indicated by the title.

Another objection to the bill is that the whole sixteen pages are jumbled together into one section. It is usual and proper to divide bills of such lengths into sections, each embracing some marked feature, and to have the sections arranged according to some natural order. Although this is only a matter of form, I am aware of no good reason for this departure from usage, and utter disregard of all sound precedent.

Much as has been said about the character and inefficiency of the police of Philadelphia, and I am fully persuaded many of them are not such as the good order of the city demands. But whilst this is an acknowledged evil, and a proper subject for legislative



consideration, I more than doubt the wisdom of the remedy proposed by this bill. It is manifest, however, that it is a most important one, and that it contemplates an entire revolution in this branch of the city government.

The constitutional authority of the Legislature, in a period of profound peace, to create a power, such as is contemplated by the "metropolitan police bill," to operate over the whole State, or any part thereof, is a question of great magnitude, and one which, under a republican form of government deserves serious consideration, as it involves inherent and indefeasible rights and other fundamental principles in a government established for the benefit and happiness of the people.

The bill under consideration is fraught with momentous consequences to the citizens of Philadelphia, and of the State. And the position that the power can be taken away from so large a portion of the people of Pennsylvania, without their consent, for a period of years, and lodged in the hands of six persons, is to me extraordinary, untenable, and in violation of the spirit, meaning and intent of the first and second sections of the twelfth article of the Constitution. The second section declares "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness." The Constitution sets forth in such plain and unequivocal terms the principles upon which a republican government shall be conducted, that comment would be superfluous, and would weaken rather than strengthen the case.

If there exists any right or authority in the Legislature to concentrate power in a few men, for a term of years, then it must be admitted that they have the right to do it for any number of years, or to make it a perpetuity.



To recognize the right to legislate thus specially for one city is virtually to acknowledge that the Legislature has authority to make similar enactments in every other city, borough, village, county and township, within the State; and that, by the same reasoning, Congress possesses like power to legislate for the different States, enact a grand metropolitan police bill, and secure plenary, executive, legislative and judicial powers in the hands of a few persons, and thus exclude the masses of the people from all participation in the government of themselves. I must confess that I am entirely unprepared to sanction any legislation so mischievous in its tendencies, and so anti-republican in its character, and which is calculated to uproot and destroy the dearest principles and privileges of the people, which underlie the institutions of our well regulated Commonwealth. Justice and the dictates of sound public policy require that the citizens of every political and corporate division, however great or small, should be permitted, as an inherent right of self-government, without "officious intermeddling" from any quarter, to manage their own local affairs in their own way, through officers selected at the ballot-box by themselves.

In remarking upon this subject, I have elsewhere said: "The great principle, then, upon which our free institutions rest, is the unqualified and absolute sovereignty of the people; and constituting, as that principle does, the most positive and essential feature in the great character of our liberties, so it is better calculated than any other to give elevation to our hopes, and dignity to our actions. So long as the people feel that the power to elect their own officers and administer their own government abides in them, so long will they be impressed with that sense of security and of dignity, which must ever spring from the consciousness that they hold within their own hands a remedy



for every political evil, a corrective for every governmental abuse and usurpation. This principle must be upheld and maintained, at all hazards and every sacrifice—maintained in all the power and fullness—in all the breadth and depth of its utmost capacity and signification. It is not sufficient that it be acknowledged as a mere abstraction, or theory, or doctrine; but as a practical, substantial, living reality, vital in every part.”

The city of Philadelphia, in order to pay the necessary expenses of her government, of her new, important, and extended improvements, and the interest on her immense debt (now greater than that of the Commonwealth), is not in a condition to increase her liabilities, and if she does, it ought to be with a perfect understanding for what purpose, and to what amount.

The salary of the mayor, who now performs all the functions that are proposed to be placed in the hands of this board of police commissioners, is four thousand dollars, while the salaries of the six commissioners, at three thousand each, one clerk at fifteen hundred dollars, and one at one thousand dollars, a committing magistrate at the central station, say three thousand dollars, and a clerk at fifteen hundred, and that of the examining physician, three thousand dollars, amount to the sum of twenty-eight thousand dollars. To which may be added rents, stationery, printing and incidentals, at least twenty-two thousand dollars more, making in all the sum of fifty thousand dollars, for salaries and expenses for the official department alone.

The bill says: “The said board shall have entire control of all the police of the city, and shall have authority to increase the force of patrolmen should they deem the same necessary, and it is hereby made the duty of the select and common council to appropriate sufficient moneys to meet the expenses of the board and said force.”



This is in every respect the most perfect surrender of plenary powers of the many to the few, that I have ever witnessed. Absolute control of the police? Power to increase the number at their pleasure? To fix the wages at any figure without being subject to any check or supervision from any source? Such powers are not exercised by the autocrat of Russia. The city councils and the people seem to be entirely ignored by the bill, except that "the board shall, from time to time, submit to the councils their estimates of the sums required for the payment of official salaries and expenses, and for the maintenance of the police force." There is no check or audit prescribed, and no matter what may be the sum required, the councils must provide and appropriate the amount, and the people, already overburdened, must meet largely increased taxation to supply the councils with the necessary means to satisfy the demands of the board. And after paying the fifty thousand dollars before mentioned, to set this "Trojan horse" upon its legs and introduce it into Philadelphia, no one can estimate the increased expenses, and no one is to be responsible for the damages that may occur after its machinery has been fully set in operation.

The police force is also to be put upon a war footing. Every applicant is to be submitted to an examination by "a properly qualified physician," and if not found entirely competent and under the age of forty-five years, he must be rejected. Why shall trusty, able-bodied and experienced police officers be excluded from the force, without regard to past services or present efficiency, merely because they are over forty-five years of age? It is probably the first time in the history of the State that a man in civil life, who is otherwise suitable in every respect, shall be proscribed when he may have served his country faithfully in her armies, and attained the age of forty-five years. This



is monstrous injustice, and an ostracism which I trust will never meet the sanction of, or be tolerated by a brave and generous people.

I have not had time to call your attention to the provisions of this bill as fully as I could have desired, but I think I have pointed out sufficient wrongs in this attempt to create such a force, appointed by a concentration of the people's power into the hands of a few men, chosen by legislators from every part of the State, who are fully assured that their own constituents would not submit to any such inflictions of absolute government and taxation upon themselves for a single moment. This is the kind of legislation which, under pretence of securing the peace, creates discontent, dissatisfaction and disturbance. It arouses in the bosom of every man who knows his own inherent rights, the most determined opposition, and frequently the most uncompromising hostility to every movement by which he perceives his liberty is abridged, and makes him wage a continuous warfare against all whom he conceives to be the enemies of liberty, whether open or concealed.

Republican government cannot long exist under partial and unequal laws. And to perpetuate this republic with all the blessings which cluster around it, the State Legislature must enact laws bearing alike upon all, with equal and exact justice to all, without prejudice or partiality.

A majority in the State undertaking to legislate to perpetuate its power by the passage of laws unequal, unjust and oppressive toward the minority, is not republican in form nor democratic in principle, and must soon sink into imperialism.

For these and other reasons I cannot give the Executive sanction to this or any other act, which has a tendency to take from the people any portion of their inherent rights. The election of every local officer charged with the duties of executive authority, or with



the execution of the laws, should be submitted to a direct popular vote; and I can see no reason why the people of Philadelphia should be made an exception to this rule, and be deprived of the right of choosing by their own votes those who shall constitute the commissioners of police, as well as who shall be their mayor, select and common council, or their representatives in the Legislature.

It is an elementary axiom that every government should have some responsible head, and in a republican government that responsibility should be to the people, the source of all political power.

Heretofore the mayor of Philadelphia has occupied this position of trust and responsibility. To him the people looked, and had a right to look, for the proper execution of the laws and the preservation of the peace and good order of the city. If he has failed to meet their just expectations, they have their remedy at the ballot-box, and it is fair to presume they will avail themselves of it at the first lawful opportunity. Would it improve the existing condition of things to divide this responsibility among six commissioners, of whom the mayor would be but one? To whom would they be responsible for a proper discharge of duty? Hardly to the Legislature of the whole State, which changes annually. Not to the qualified electors of the city, for they did not elect them, and cannot, under the machinery of the bill, choose a majority of their successors for three years, nor a new board for five years.

Divided responsibility in government is a political heresy, and nearly related to no responsibility. What kind of an army would that be which had six commanding officers all of equal rank? And what sort of a State administration would that be emanating from six governors, all of equal power and authority? And what good could be expected of that police organization which is to be governed by six equal and irresponsible commissioners?



If the people of Philadelphia desire a metropolitan police bill, let the commissioners be of their own choosing at the ballot-box. Let them be "of the people, for the people, and by the people."

To my mind these objections are insuperable, and the bill is therefore returned for further consideration.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Allow the Writs of Error in Cases of Murder and Voluntary Manslaughter."

Executive Chamber,  
Harrisburg, February 10, 1870.

Gentlemen:

**S**ENATE BILL NO. 206, ENTITLED "AN ACT TO allow writs of error in cases of murder and voluntary manslaughter," has been duly presented for Executive approval. I have given it as careful an examination as time and other duties would permit, and am constrained to return it to the House in which it originated, with my objections.

At the last session of the Legislature, whilst applications were pending for the pardon of George S. Twitchell and Gerald Eaton, convicted in the criminal courts of Philadelphia for the crime of murder, two general bills were passed by the Legislature intended for the relief of the defendants. Regarding them as hasty and inconsiderate legislation, and calculated to obstruct and defeat the ends of public justice, I disapproved them. The present bill, although general in its provisions, is of the same general character, and is well understood to be intended for the relief of Paul



Schoeppe, lately convicted of murder in the court of oyer and terminer of Cumberland county. Though neither better nor worse, or entitled to any less careful consideration on this account, legislation under such circumstances is seldom of a character to commend itself to favor.

The first section authorizes a writ of error in all cases of murder and voluntary manslaughter, without any special allowance, and as a matter of right, to be sued out upon the oath of any defendant, as in civil cases.

The second section provided that in all such writs, issued under this act, or now pending in the Supreme Court, "it shall be the duty of the judges thereof to review both the law and the evidence, and to determine whether the ingredients necessary to constitute murder in the first degree shall have been proved to exist, and if not so proved, then to reverse the judgment and send the same back for a new trial, or to enter such judgment as the laws of this Commonwealth require."

Section three is as follows: "All writs of error now pending in the Supreme Court on any case of murder or voluntary manslaughter shall be held regular and of force to remove such cases, and to authorize and require the Supreme Court to hear and determine the same with like effect as if sued out after the passage of this act."

When a man is on trial for his life, it may be well enough for the State to be liberal, and even indulgent; and therefore the first section of the bill may, perhaps, be proper; and the third section, being only temporary in its character, might be considered unobjectionable, but for its connection with the second. But how is it possible to execute the second section, without utter disregard of the constitutional rights of the courts, and a plain violation of the fundamental laws of the land? The fifth and sixth articles of the amendments to the



Constitution of the United States declare that no person charged with crime shall "be deprived of life, liberty or property, without due process of law;" and that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; and to be confronted with the witnesses against him."

The sixth and ninth sections of the IX article of the Constitution of Pennsylvania are as follows, viz:

"Section 6. That trial by jury shall be as heretofore, and the right thereof remain inviolate."

"Section 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment, or information, a speedy public trial by an impartial jury of the vicinage. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land."

Such is the constitutional law of the land, upon this important subject. The phrases "due process of law," "trial by jury as heretofore," "judgment of his peers," and "the law of the land," have again and again received judicial construction, by both the Supreme Court of the United States, and of this State. They mean that the proper courts must declare the law, and a jury of the vicinage must determine the facts. With what propriety then can the Legislature, by the second section of the bill under consideration, undertake to abolish these plain constitutional provisions, and empower the judges of the Supreme Court to pass upon



the facts? To make a personal application of these principles, the defendant having already been tried by "due process of law," before "a jury of the vicinage," and according to "the law of the land," it is proposed by this bill to give him a new trial, before a new tribunal, with jurisdiction specially conferred for the purpose, without any jury, not "to be confronted with the witnesses against him," and not in accordance "with the laws of the land." Surely the Legislature has no such power as this!

The courts have again and again decided that the Legislature has no power to grant a new trial, even in the same court, and according to the usual forms of law; and much less have they the power to grant one in another court, created or endowed with jurisdiction for the purpose, and in defiance not only of all the forms of law, but the plainest provisions of the Federal and State Constitutions. The power to order new trials is judicial, not legislative. Nor can it be said that these difficulties are obviated by the fact that the defendant waives his constitutional rights, and demands the proposed law. Constitutional provisions cannot be destroyed or nullified by the waiver or consent of any criminal, no matter how formally the effort may be made. In the case of the Commonwealth vs. Shaw, 7 American Law Register, 289, it was ruled that a "waiver by consent of a prisoner in a criminal case is a nullity." And if, as in that case, the prisoner was incompetent to waive his right to a trial of the facts by eleven jurors instead of by twelve, much less could he consent to have the facts tried without any jury. In the opinion the court says:

"The authorities demonstrate that a trial by eleven jurors, although by consent and at the request of a prisoner, is not 'by the law of the land,' but contrary to the law of the land. Criminal prosecutions involve public wrongs, a breach and violation of public rights



and duties, which affect the whole community, considered as a community, in its social and aggregate capacity. A man may do what he pleases with that which is his own, but in a government no man's liberty or life is exclusively his own; the Commonwealth has an interest in both, and disdains to abridge the one or forfeit the other, except in the precise manner and form she, herself, has prescribed and pointed out. \* \*

"If one juror can be dispensed with, or one juror added, then no reason can be given why any number may not be dispensed with, or any number added. The law allows no addition or subtraction, nor any other number than the number twelve." To the same effect also is *Cancemi vs. the People*, in the New York court of appeals, 4 Smith's rep., 129.

Surely it cannot be necessary to argue this matter further. Nothing but the grave importance of the questions has induced me to say so much. But aside from these constitutional difficulties, I do not see how this law could be executed. There is no machinery in the bill by which either the facts to be passed upon or the prisoner could be taken before the judges of the Supreme Court. I know of no law requiring the judge below, or any body else to write down the evidence; and even if taken down by authority, the courts have again and again held that it is no part of the record. If the bill intended the notes of trial taken by the judge below, or by anybody else, should be the evidence to be passed upon by the judges, it should have been so declared. And if it intended that the witnesses should appear before the judges of the superior court for re-examination, then the prisoner would also have the right to appear there and meet his accusers face to face, and to receive judgment, should the decision be against him. But the bill makes no provision for any of these things; and in my judgment, for these reasons alone, would be wholly inoperative if approved.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Relating to Appeals and Transcripts from the Judgments of Justices of the Peace."

Executive Chamber,  
Harrisburg, February 12, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate Bill No. 20, entitled "An Act extending the provisions of an act, entitled "An Act relating to appeals and transcripts from the judgments of justices of the peace," approved the 2d day of March, A. D. 1869, to the county of Juniata."

Without expressing any opinion on the merits of the bill, it is disapproved as hasty and inconsiderate legislation; and because it would amount to nothing if approved. It proposes to extend the provisions of a former act, alleged to have been approved the second of March, 1869, to the county of Juniata. On examination it turns out that no such act ever was approved on that day, nor can any be found of the exact title given in the present bill. It is probable an act of 2d March, 1868, is intended, but so vague a probability is too indefinite, and the bill is returned for correction.

JNO. W. GEARY,

To the Assembly Vetoing "An Act to Incorporate the Grand Branch of the Emerald Beneficial Association of the State of Pennsylvania."

Executive Chamber,  
Harrisburg, February 11, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH MY OBJECTIONS, Senate bill, No. 40, entitled "An Act to incorporate the Grand Branch of the Emerald beneficial association of the State of Pennsylvania."

By the first section of the act of 6th April, 1791,



the Supreme Court was authorized to incorporate associations "for any literary, charitable, or for any religious purpose;" and by the first section of the act, approved 8th April, 1833, the provisions of the act of 1791, were so extended as to include "beneficial societies and associations."

And by the thirteenth section of the act of 13th October, 1840, the several courts of common pleas were empowered to incorporate associations "for any literary, charitable or religious purpose, \* \* \* \* or beneficial society or association."

The title of the bill designates the corporation a "beneficial association," and the second section declares "that the object and design of said corporation as a benevolent, beneficial and religious organization, shall be to promote the spread of the great fundamental principles of faith, hope and charity."

It is therefore manifest, from both the title and body of the act, that the courts under the laws above cited, have jurisdiction over the whole subject matter.

The ninth section of the XI article of the Constitution is as follows, viz:

"No bill shall be passed by the Legislature granting any powers or privileges, in any case, when the authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth."

The Legislature, therefore, is expressly prohibited from enacting such laws as the one proposed; and has no constitutional power or authority to create such corporations. Executive approval could give no validity to such legislation as this; and it is better for all concerned that it be arrested at once, and that innocent parties be not deceived by such associations, assuming to act under corporate authority unauthorized by law, and prohibited by the Constitution.

My views on this class of legislation have been given



to the Legislature so frequently and so fully, it is deemed unnecessary to enlarge upon or repeat them.

JNO. W. GEARY,

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To the Assembly Vetoing "An Act Incorporating the Sharpsburg and Etna Savings Bank."

Executive Chamber,  
Harrisburg, February 12, 1870.

Gentlemen:—

**S**ENATE BILL NO. 48, ENTITLED "AN ACT INCORPORATING the Sharpsburg and Etna Savings Bank," is herewith returned with my objections.

The twenty-fifth section of the first article of the Constitution declares that "no corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months, previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

The first section of the act of 1st June, 1839, prescribes the manner in which this notice shall be given, by newspaper publication. It is usual, on presentation of a bank bill conferring banking privileges for Executive approval, to exhibit the lawful evidence of publication. No such evidence has been produced in this case, although the friends of the bill have been notified of its necessity, and action on the bill delayed to afford opportunity. As the ten days are about to expire I have no alternative but to return the bill without my approval.

Aside from this fatal constitutional objection, there is another feature of this bill I do not like; and I deem it proper to bring it to the notice of the Legislature



for consideration in similar cases. The same section of the Constitution already cited, declares that "no charter for the purposes aforesaid shall be granted for a longer period than twenty years." The bill under consideration does not conform to this requirement, but merely incorporates the subsequent clause of the Constitution, reserving to the Legislature the right to revoke, &c. In my judgment this leaves the bill of very doubtful constitutionality on this point. I suggest, therefore, for the interest of all concerned, that in all future bank bills the twenty years' limitation be inserted, and thus all doubts and danger on this important question be averted.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Oxford Gas and Water Company, Approved the 24th Day of March, A. D. 1868."

Executive Chamber,  
Harrisburg, February 25, 1870.

Gentlemen:—

**A**FTER DUE CONSIDERATION, I HEREWITH return, without approval, Senate bill, No. 93, entitled "A supplement to an act to incorporate the Oxford gas and water company, approved the 24th day of March, A. D. 1858."

The first and third sections authorize the giving of a mortgage, and an increase of taxation, both of which are usual and unobjectionable. But the second section authorizes "said borough to loan to said Oxford gas and water company the bonds of said borough for a sum not exceeding thirty-five thousand dollars, and



to take from said gas and water company, as security for the payment of the principal and interest of said loan, a mortgage," &c. It may be this would be a beneficial arrangement for both the borough of Oxford and the water company; and had the Legislature the power to authorize it, I would not interpose. But, the seventh section of the eleventh article of the Constitution is as follows, viz:

"The Legislature shall not authorize any county, city, borough, township or incorporated district, by virtue of a vote of its citizens, or otherwise, to become a stockholder in any company, association or corporation; or to obtain money for, or loan its credit to any corporation, association, institution or party."

In my judgment the second section of the bill is in plain violation of this constitutional prohibition; and this makes it unnecessary for me to assign any other reason for withholding approval.

JNO. W. GEARY,

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To the Assembly Vetoing "A Supplement to the Act Entitled 'An Act to Modify the Existing Auction Laws of this Commonwealth, and to Provide more Effectually for the Collection of the State Tax or Duty on Auction Sales in the City of Philadelphia and County of Allegheny,' Approved April 9, A. D. 1859."

Executive Chamber,  
Harrisburg, March 4, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 70, entitled "A supplement to the act, entitled 'An Act to modify the existing auction laws of this Commonwealth, and to provide more effectually for the collection of the



State tax or duty on auction sales in the city of Philadelphia and county of Allegheny,' approved April 9, A. D. 1859."

The act of 1859 classified and regulated auctioneers in the city of Philadelphia and county of Allegheny, and has remained the law on that subject ever since. The fifth section provides as follows:

"That any citizen, as aforesaid, residing and doing business not less than five miles from Independence Hall, in the city of Philadelphia, paying into the State Treasury the sum of one hundred dollars, and giving bonds, with sureties, in the sum of two thousand dollars, the Governor, thereupon, shall grant him a commission of the fifth class for one year, &c."

The thirteenth section of the act of 1859 provides, "that those doing business in the city of Allegheny, shall pay but one half the rate for commissions established for those doing business in Philadelphia; and that those doing business in said county, and not in any city, shall pay one-fourth the rates aforesaid."

By reason of that clause in the fifth section of this act of 1859, relating to residence "not less than five miles from Independence Hall, in the city of Philadelphia," that section has been construed so as not to apply to Pittsburg or to Allegheny city or county; and the auctioneers' licenses have heretofore rated as follows:

For Pittsburg, .....	\$500 00
Allegheny city, .....	250 00
Allegheny county, .....	125 00

The bill now under consideration proposes to extend the provisions of the fifth section of the act of 1859, to "the county of Allegheny," and the effect of this would be to fix and establish a new schedule for auctioneers' licenses as follows, viz:

For Pittsburg, .....	\$100 00
For Allegheny city, .....	50 00
For Allegheny county, .....	25 00



I am aware of no decrease in population, resources or business in Pittsburg, or Allegheny city, or county, since 1859, which would warrant this proposed reduction of eighty per cent. on auctioneers' licenses.

Nor is this presentation of the case answered by any reasonable prospect of an increase of auction duties, or percentage on sales; for the statistics in the Auditor General's report show that neither Pittsburg nor Allegheny pay any auction duties to the Commonwealth.

In justice to other sections, and under present and prospective demands on the Treasury of the State, I do not feel warranted in sanctioning a reduction of the public revenues as proposed by this enactment.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Hellertown Savings Bank."

Executive Chamber,  
Harrisburg, March 4, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 262, entitled "An Act to incorporate the Hellertown Savings Bank."

The twenty-fifth section of the first article of the Constitution declares that "no corporate body shall be hereafter created, renewed or extended without six months' previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

The first section of the act of first June, 1839, provides as follows:

"Whenever any citizen or association of citizens of



this Commonwealth intend to make application to the Legislature for the creation, renewal or extension of any corporate body, with banking or discounting privileges, it shall be their duty to cause a notice of such intended application to be advertised in two newspapers, printed in the county in which such corporate body is or is intended to be located, at least once a week in each paper for six months before the meeting of the then next Legislature, and also in one paper printed in the borough of Harrisburg," and the substance of said required notices prescribed.

The evidence of advertisement has been produced, although in due form, it is manifest the publication was not made for the full term of six months, as required.

The advertisement in one paper is dated on the 7th of July, 1869, and in the other on the 8th of July, 1869; and the affidavit proves insertion from the 7th of July, 1869, to the 5th of January, 1870; and the other affidavit proves insertion of the notice from the 8th of July, 1869, to the 7th of January, 1870. Inasmuch as the Legislature met this year on the 4th day of January, it is manifest the advertisement was several days less than required by the Constitution and law herein before recited. The Supreme Court has long since ruled that the term "months," in a law or statute, means calendar months; and a notice three days less than the regular time is as fatally defective as if it had been three weeks too short. The Legislature had no power or authority to pass the bill without the six months' previous notice. The act is therefore unconstitutional, null and void; and no Executive approval could give it vitality or force.

These views make it unnecessary to consider the provisions of the enactment or to express any opinion thereon.

JNO. W. GEARY,



John White Geary.

1093

To the Assembly Vetoing "An Act to Incorporate the Brookville Gas and Water Company."

Executive Chamber,  
Harrisburg, March 18, 1870.

Gentlemen:—

**H**EREWITH IS RETURNED WITH OBJECTIONS, Senate bill, No. 112, entitled "An Act to incorporate the Brookville gas and water company."

The principal objection is, that it makes no provision for damage to those whose property may be taken or injured by the company. The Legislature has no right to authorize the taking of private property, even for public uses, without compensation to the owners; nor would it be right to do it if they had the power.

I regret to remind the Legislature that it seems to be forgotten by the framers of these bills creating gas and water companies, that there is a general law on the subject, approved 11th March, 1857. As a general rule a much better bill can be framed in a few sections, making the company subject to the provisions of the general law, than by fifteen or twenty sections ignoring that law. It was carefully prepared, with all necessary details, and has stood the test of trial and experience for thirteen years; and I recommend that all gas and water companies be placed under its provisions. There would seem to be no use in having general laws if they are to be wholly ignored, and all the details repeated and re-enacted in every special and local bill.

JNO. W. GEARY,



To the Assembly Vetoing "An Act to Authorize the Courts of Lycoming and Perry Counties to Appoint One or More Commissioners to Take Depositions of Witnesses."

Executive Chamber.

Harrisburg, March 25, 1870.

Gentlemen:—

**S**ENATE BILL, NO. 495, ENTITLED "AN ACT TO authorize the courts of Lycoming and Perry counties to appoint one or more commissioners to take depositions of witnesses," is herewith returned without approval.

Special legislation is one of the greatest evils of the age, and should only be resorted to where special reasons exist; and especially should this be the practice in matters pertaining to the administration of public justice. The bill is unnecessary so far as it proposes to authorize the courts named to make rules and regulations for the taking of depositions; for by existing laws they have ample powers conferred upon them for this purpose. No doubt the counties of Perry and Lycoming have the usual number of justices of the peace and notaries public, before whom, as elsewhere, depositions may be lawfully taken; and if any good reason exists why depositions should not be taken before these officers, the same reason no doubt applies to the other counties, and the matter should be regulated by some general law.

JNO. W. GEARY.



John White Geary.

1095

To the Senate Nominating Commissioners of  
Public Charities.

Executive Chamber,  
Harrisburg, March 25, 1870.

Senators:—

**I**N CONFORMITY WITH THE ACT OF GENERAL Assembly, approved the 24th April, 1869, I did, on the 1st day of December, A. D. 1869, appoint the following named persons to be commissioners of public charities, to wit: Gen. Thomas L. Kane, of the county of M'Kean, for the term of five years; G. Dawson Coleman, of the county of Lebanon, for the term of four years; George L. Harrison, of the county of Philadelphia, for the term of three years; and on the 23d inst. I also appointed Charles A. Wood, of Allegheny county, for the term of two years; and Hiester Clymer, of Berks county, for the term of one year; which appointments are hereby submitted for the advice and consent of the Senate.

JNO. W. GEARY,

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To the Senate Nominating Col. E. L. Osborne Major  
General of the Ninth Division of Uniformed Militia.

Executive Chamber,  
Harrisburg, March 25, 1870.

Senators:—

**O**N THE 24TH INST. I APPOINTED COL. E. L. Osborne, of the county of Luzerne, to be Major General of the Ninth division of the uniformed militia, composed of the counties of Columbia, Luzerne and Wyoming, subject to the advice and consent of the Senate, and his appointment is hereby submitted



for such advice and consent, agreeably to the provisions of the act of the 4th day of May, A. D. 1864, entitled "An Act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania."

JNO. W. GEARY,

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To the Assembly Vetoing "An Act to Provide for the  
Erection of a District Court Within the County of  
Luzerne."

Executive Chamber.  
Harrisburg, March 25, 1870.

Gentlemen:—

**A**FTER A MOST CAREFUL CONSIDERATION of Senate bill, No. 920, entitled "An Act to provide for the erection of a district court within the county of Luzerne," I find myself unable to approve the same.

This bill is demanded by reason of the alleged inability of the present law judges of that county to perform the duties in the regular courts, by reason of the time necessarily occupied in performing their duties as recorders in the mayors' courts of Scranton and Carbondale. I am credibly informed that proceedings are now pending before the Supreme Court denying the right of the president judge to sit as recorder in these mayors' courts; and in my judgment it is premature and unwise to legislate on this important subject until the action of the Supreme Court in the premises shall be known. If it shall be decided that the present judges have no right to sit as recorders, then it is apprehended that the Executive would have to appoint recorders for those courts.



These recorders, by reason of the extensive jurisdiction of these mayors' courts, would have to be men learned in the law; and they would have to be paid out of the State Treasury as other men performing judicial duties. In this event there would be practically four law judges for Luzerne county; and the present bill, if approved, would create a fifth one. I doubt very much whether there is any county in the State, except Philadelphia and Allegheny, in which two competent judges can not satisfactorily discharge all the duties required of them by law. Under these circumstances, and with these convictions, I feel required to return the bill without approval.

JNO. W. GEARY, .

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'A Act to Incorporate the Allegheny Trust Company,' Approved December 20, A. D. 1869."

Executive Chamber,  
Harrisburg, March 29, 1870.

Gentlemen:—

**I REGRET MY INABILITY TO APPROVE SEN-**  
ate bill, No. 503, entitled "A supplement to an act, entitled 'An Act to incorporate the Allegheny County trust company,' approved December 20, A.D. 1869."

It confers banking and discounting privileges without the six months' notice having been given, as required by the twenty-fifth section of the first article of the Constitution of the State, and the act of the Legislature, approved the first day of June, 1839.

On the fourth inst. I gave to the Senate my views in returning Senate bill, No. 262, entitled "An Act to incorporate the Hellertown Savings Bank," that a repetition of them here is deemed unnecessary.



This bill also authorizes the company to charge ten per cent. per annum for the use of money. Whilst individuals are by law allowed to charge only six per cent., I am unable to see the propriety or justice of allowing corporations to charge ten.

JNO. W. GEARY,

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To the Senate Nominating Alfred L. Pearson Major General of the Eighteenth Division of the Uniformed Militia.

Executive Chamber.

Harrisburg, March 29, 1870.

Senators:—

I HAVE THIS DAY APPOINTED ALFRED L. Pearson, of the county of Allegheny, to be Major General of the Eighteenth division of the uniformed militia, composed of the counties of Allegheny, Armstrong, Indiana and Jefferson, subject to the advice and consent of the Senate, and his appointment is hereby submitted for such advice and consent, agreeably to the provisions of the act of May 4, 1864, entitled "An Act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania."

JNO. W. GEARY,



To the Assembly Vetoing "A Further Supplement to an Act to Incorporate the City of Philadelphia, Relative to the Collection of Taxes."

Executive Chamber,  
Harrisburg, March 30, 1870.

Gentlemen:—

**H**OUSE BILL, NO. 721, ENTITLED "A FURTHER supplement to an act to incorporate the city of Philadelphia, relative to the collection of taxes," was received by me on the 24th inst., and on the same day approved, at the earnest solicitation of several members of the city councils and members of the House of Representatives. From credible information since received, I am induced to believe the bill as presented and approved by me never actually passed either the Senate or the House, although a bill of the same number and title, and with essentially different provisions, did pass both Houses at the same time the one presented for approval purports to have been passed. On examination, it appears that the bill approved when presented was in the usual form, certified by the Comparing Clerk to have been compared, and signed by the Speakers of the House and Senate, as usual in other cases. How did the false and fraudulent bill which did not pass, get substituted for the genuine one which did pass? This is a grave question, irrespective of the merits or demerits of these two bills, and I earnestly invite the immediate attention of the Senate and House to the subject.

If this novel and disgraceful species of fraud shall be tolerated, no one can foretell the evil consequences which may ensue; and the Legislature owe it to themselves, to the public interests involved, and to the Executive, whose official signature has been thus secured to a fraudulent bill under false pretences, to at once institute a prompt and thorough investigation,



to the end that the guilty parties may be brought to speedy and condign punishment. I also recommend that if the facts be found as alleged, the act be forthwith repealed.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Give Effect to the Purposes of the Will of Mrs. Eliza Howard Burd."

Executive Chamber,  
Harrisburg, April 1, 1870.

Gentlemen:—

SENATE BILL, NO 789, ENTITLED "AN ACT TO give effect to the purposes of the will of Mrs Eliza Howard Burd," is returned herewith to the Senate, in which it originated, without Executive approval.

The title to the bill seems to have been misconceived. Instead of giving effect to the will of Mrs. Burd, the act proposes to make a very material alteration in that instrument.

By the codicil to her testament, of date, December 6, 1859, Mrs. Burd devised a large amount of property in trust for the foundation of an Orphan asylum for the reception of white female orphans "of not less than four years and not more than eight years of age."

The act in question strikes out the word "eight," and makes the limitation read, "twelve years of age." If the Legislature can thus modify the standard of admission established by the will, it could be extended so as to embrace adults of fifty years of age. We can well understand that the testatrix had sufficient reasons for establishing the limitation found in her



will. She probably did not design that the asylum should be a mere nursery, and hence she fixed four years as a minimum. She might also desire that children should be admitted of such tender years as to guard the establishment from all possible contamination of evil thoughts or bad habits. She therefore assigned eight years as the maximum age. This would seem to be entirely reasonable. But whether it was discreet or otherwise, no one can doubt that she who established this noble charity had the right to prescribe the terms upon which its bounty should be administered, and conceding this power to her, it necessarily follows that the will is beyond the power of legislative alteration.

JNO. W. GEARY.

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To the Senate Nominating George F. McFarland  
State Superintendent of Soldiers' Orphans.

Executive Chamber,  
Harrisburg, April 5, 1870.

Senators:—

**I** HEREBY NOMINATE, FOR THE ADVICE AND consent of the Senate, George F. M'Farland, Esq., of the county of Juniata, to be State Superintendent of Soldiers' Orphans, for the term of three years, to be computed from the 29th day of April, A. D. 1870, agreeably to the provisions of the act of 9th April, A. D. 1867, entitled "An Act for the continuance of the education and maintenance of the destitute orphans of the deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the State."

JNO. W. GEARY.



To the Assembly Nominating Charles S. Minor a  
Trustee of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 4, 1870.

Senators:—

**O**N THE 20TH DAY OF DECEMBER, A. D. 1869,  
I appointed, subject to the advice and consent  
of the Senate, and in conformity with the re-  
quirements of the fifth section of the act of the Gen-  
eral Assembly, approved April 14, A. D. 1845, estab-  
lishing an asylum for the insane poor of the Common-  
wealth, Charles S. Minor, Esquire, of the county of  
Wayne, to be a trustee of the Pennsylvania State Lu-  
natic hospital, for the unexpired term of F. B. Penni-  
man, Esquire, of the county of Allegheny, resigned,  
said term being until the first day of February, A. D.  
1872.

JNO. W. GEARY.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 4, 1870.

Senators:—

**I** DO HEREBY NOMINATE, FOR THE ADVICE  
and consent of the Senate, in conformity with the  
requirements of the fifth section of the act of  
Assembly of the 14th day of April, A. D. 1845, estab-  
lishing an asylum for the insane poor of the Common-  
wealth, the following named persons to be trustees of  
the Pennsylvania State Lunatic hospital, viz: Henry  
Gilbert, Esq., of the county of Dauphin; Wm. W.  
Rutherford, M. D., of the county of Dauphin, and



George Bergner, Esq., of the county of Dauphin, for the term of three years each, to be computed from the 7th day of February last past.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Facilitate and Secure the Construction of an Additional Railway Connection Between the Waters of the Susquehanna and the Great Lakes, Canada and the Northwestern States, by Extending the Aid and Credit of Certain Corporations to the Jersey Shore, Pine Creek and Buffalo Railway Company, and in Like Manner to Aid the Construction of the Pittsburg, Virginia and Charleston Railway, the Clearfield and Buffalo Railway and the Erie and Allegheny Railway."

Executive Chamber,  
Harrisburg, April 7, 1870.

Gentlemen:

**S**ENATE BILL NO. 1070, ENTITLED "AN ACT TO facilitate and secure the construction of an additional railway connection between the waters of the Susquehanna and the great lakes, Canada and the northwestern States, by extending the aid and credit of certain corporations to the Jersey Shore, Pine Creek and Buffalo railway company, and in like manner to aid the construction of the Pittsburg, Virginia and Charleston railway, the Clearfield and Buffalo railway, and the Erie and Allegheny railway," was only presented for Executive approval on yesterday, the 6th inst.

Regarding it as among the most important ever submitted for consideration, both in the principles it in-



volves and the consequences of my action thereon, I have examined it with as much care as was possible in the short time allowed, and the pressure of other duties at this late stage of the session. For these reasons, it would have been desirable that the views about to be announced, should have been the subject of more mature reflection.

Entertaining, however, firm convictions that the proposed measure is not only in conflict with the Constitution, but at war with the best interests and true policy of the State, it is deemed an imperative duty to guard against all possible mis-construction, by returning the bill promptly to the Senate, in which it originated, with the following statement of the reasons for withholding my approval:

There are in the sinking fund of the State, *nine and one-half millions of dollars (\$9,500,000)* in railroad bonds, viz: \$6,000,000 in bonds of the Pennsylvania railroad company, and \$3,500,000 of the bonds of the Allegheny Valley railroad company, the payment of the latter guaranteed by the Philadelphia and Erie railroad company, the Northern Central railway company, and by the Pennsylvania railroad company. These \$6,000,000 are a part of the proceeds of the sale of the main line of public works, sold in 1857; and the \$3,500,000 are bonds substituted for a like amount of bonds which were proceeds of the sale of other portions of the public works, made subsequent to 1857. The whole \$9,500,000, therefore, are proceeds of the sales of public improvements formerly owned by the State; and the bill under consideration, if approved, will take this entire sum out of the sinking fund, and distribute it among the four railroad companies named in the bill, in the proportions therein recited.

In the consideration of this most important subject, two questions naturally arise:

First.—Has the Legislature the constitutional power to enact this law? and



Second.—If the power exists, is it expedient to exercise it?

If the first question be answered in the negative, the bill should not be approved. If in the affirmative, then the second question assumes a grave importance. What then are the written constitutional provisions bearing upon the subject? The latter clause of the twenty-fifth section of the first article of the Constitution declares that "No law hereafter enacted shall create, renew or extend the charter of more than one corporation."

The eighth section of the eleventh article is as follows:

"No bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title, except appropriation bills."

The proposed act is not an appropriation bill within the recognized meaning of this section of the fundamental law. Every one familiar with the history of our State Constitution, knows the objects for which these clauses were inserted and adopted. Our State had been cursed with omnibus legislation, enacted by what, in common legislative parlance, was known as the system of log-rolling. Measures which alone could not stand upon their merits, and which often had no merits on which to stand, were fastened together in one bill, and by ingenious combinations of local interests, the most incongruous, and sometimes iniquitous provisions, were forced through in the same act. Essentially diverse, conflicting, and even rival and hostile interests and parties, who could agree upon nothing else, were thus induced to unite in a common raid upon the Treasury of the State. This evil became in time so intolerable, that the people were at last compelled to protect themselves against it; and they did so, by these plain, constitutional prohibitions. The people in their sovereign capacity, declared and wrote



it in their Constitution, that "no bill should be passed by the Legislature containing more than one subject;" and that "no law hereafter enacted shall create, renew or extend the charter of more than one corporation."

It is contended, and with some show of plausibility, that the bill under consideration embraces but the one subject of railroads, and that this, and this alone, is expressed in the title; and that the act does not create, renew or extend the charter of more than one corporation. Technically, this may be so; but we are considering grave questions of constitutional law; where different rules of construction must prevail, and judged by these it is clear that the provisions of this act are in manifest violation of the letter, spirit, intent and object of these plain constitutional provisions. In the case of the Commonwealth vs. Clark (7 Watts' and Sergt's Rep. 127), the late Chief Justice Gibson, in delivering the unanimous opinion of our Supreme Court, said:

"A Constitution is not to receive a technical interpretation like a common law instrument or statute. It is to be interpreted so as to carry out the great principles of the Government, not to defeat them."

Apply this authoritative, sensible and well established principle of constitutional construction to the case in hand. The Constitution declares, in substance, that "omnibus legislation and log-rolling enactments shall cease;" and to that end, "no law hereafter enacted shall create, renew or extend the charter of more than one corporation;" and "no bill shall be passed by the Legislature containing more than one subject." The bill returned, includes four different railroad companies as principals, and nine others as guarantors; and by a liberal construction assumes that they all constitute but one subject. By this omnibus system, the proposed act combines the interests, local rivalries, and cupidity of nearly every section of the State, from the



Delaware to the lakes, and has thereby secured its passage. The several corporations, it is true, are not technically created by this law, but were first incorporated by other bills, with the manifest intent to be followed by this act, which artfully combines the local interests of all the other beneficiary companies, breathes into them the breath of life by the appropriation of the public moneys, and secures the very identical ends prohibited by the Constitution. Thus, by a liberal construction of the act, and a narrow and technical interpretation of the Constitution, the sound rules and principles applicable to both are reversed and misapplied, and the effort made to reconcile the statute with the prohibition. The attempt is a failure. The Constitution cannot be evaded or nullified in any such manner. As ruled by Chief Justice Gibson, it must "be interpreted so as to carry out the great principles of the Government, not to defeat them."

But there are other provisions of the Constitution prohibiting such legislation.

The fourth, fifth and sixth sections of the eleventh article are as follows:

Section 4. "To provide for the payment of the present debt, and any additional debt contracted as aforesaid, the Legislature shall, at its first session after the adoption of this amendment, create a sinking fund which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; which sinking fund shall consist of the net annual income of the public works, from time to time owned by the State, or the proceeds of the sale of the same or any part thereof, and of the income or proceeds of sale of stocks owned by the State, together with other funds or resources that may be designated by law. The said sinking fund may be increased from time to time by assigning to it any part of the taxes or



other revenues of the State, not required for the ordinary and current expenses of government, and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in extinguishment of the public debt, until the amount of such debt is reduced below the sum of five millions of dollars."

Section 5. "The credit of the Commonwealth shall not in any manner or event be pledged or loaned to any individual, company, corporation or association; nor shall the Commonwealth hereafter become a joint owner or stockholder in any company, association or corporation."

Section 6. "The Commonwealth shall not assume the debt, or any part thereof, of any county, city, borough or township, or of any corporation or association, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness."

These three sections are part of the constitutional amendments adopted by a vote of the people in 1857. They speak for themselves, and in no doubtful language. The fourth section requires the Legislature to create a sinking fund, to consist, among other things, "of the net annual income of the public works, from time to time owned by the State, or the proceeds of the sale of the same;" and declares further, that, "unless in case of war, invasion or insurrection, no part of the sinking fund shall be used or applied otherwise than in extinguishment of the public debt." How is it possible to reconcile these plain declarations of the Constitution with the provisions of the bill under consideration? These nine and a half millions of bonds are the proceeds of the sales of the public works; and they are in the sinking fund, created by the act of



April 22, 1858, in compliance with this same section of the fundamental law. The Constitution declares as plainly as language can so direct, that "no part of the said sinking fund shall be used or applied otherwise than in extinguishment of the public debt." The bill proposes to apply the whole of the nine and one-half millions to the construction of sundry enumerated railroads.

The fifth section declares that "the credit of the Commonwealth shall not in any manner or event be pledged or loaned to any individual, company, corporation or association." This bill proposes, not technically a loan or pledge of credit, but more, it proposes to pay for the construction of the railroads for these corporations. How can this be done consistently with the constitutional prohibition? Does not the greater include the less? In principle, or substance, how does the thing authorized differ from the thing prohibited, except perhaps in degree? True, the one prohibits the loan or pledge of credit, and the other appropriates the money to pay for the work, but the actual result is the same, viz: The taking of the proceeds of the sale of the public works out of the sinking fund, and appropriating them to the construction of railroads.

The sixth section declares that "The Commonwealth shall not assume the debt, or any part thereof, of any county, city, borough or township, or of any corporation or association."

Technically the bill under consideration may not authorize the assumption of the debts of these railroad companies, but it does more. It actually provides for their payment, and takes from the State Treasury the necessary means with which to do it. These are all clear violations of the very plain provisions of our written Constitution. An effort is made to escape from these conclusions, under the ruling of the Supreme



Court, in the case of Gratz vs. the Pennsylvania railroad company (5 Wright, 447), which seems to assume that these bonds in the sinking fund are not the proceeds of the sales of the public works. But the court in that case justifies its opinion on the ground that the Act, there in question, authorized the Sinking Fund Commissioners to exchange depreciated securities for those of more value. Here the attempt is to authorize the exchange of securities confessedly good, for others of most questionable value. This I regard as a most important distinction, and one on which the legislation of last session may also be justified. Moreover, I consider the assumption that the bonds now in the sinking fund are not the proceeds of the sale of the public works as wholly untenable, unwarranted and untrue. The purchase money was the proceeds of the sale of the public works, as understood at the time and ever since. Not only the \$100,000, required by the law providing for the sale, to be paid down at the time of the bid, but the whole seven and one-half millions, which the same law designates as "the whole amount of sales to be paid in the bonds of the company." And if anything can make this more plain it is the fact that the same men, at the same session of the Legislature, passed these constitutional amendments of 1857, and also the act for the sale of the main line; and they naturally used the same words and expressions to express the same ideas. The words of the Constitution have already been quoted; and the twelfth section of the act for the sale of the main line, approved 16 May, 1857, declares:

"That the entire proceeds of the sale of said main line shall be paid to the sinking fund, and applied to the payment of the State debt." Surely it can not be necessary to argue this question further. It is very clear that the framers of the Constitution intended that the whole of the proceeds of the public works



should go into the sinking fund, and should be appropriated to no other purpose than the payment of the public debt; and the practice of the government, ever since 1857, in all its departments, has conformed to these constitutional requirements. No manipulation of words, no artfully drawn phrases, and no subtle distinctions or contracted or misapplied rules of interpretation, can explain away these plain constitutional restrictions on the power of the Legislature, or enable it, in defiance of them, to bankrupt the Treasury of the State through means prohibited by the fundamental law of the land.

Having thus demonstrated the unconstitutionality of the proposed law, I might well be spared the discussion of its expediency.

It is possible, however, that different views may be entertained as to the legal question involved. I have therefore deemed it proper to submit the following propositions as conclusively establishing the inexpediency of the scheme:

First.—By the terms of the act the State is to exchange six millions (\$6,000,000) of bonds secured by a mortgage upon a road worth many times that amount, for six millions (\$6,000,000) of bonds to be issued by a company as yet unorganized and whose road is not yet commenced.

Second.—The contract of guaranty required by the bill is illusory, for it is uncertain who is to execute it, and if entered into by responsible parties, it binds them to nothing except the construction and equipment of the contemplated road. The manner in which the road is to be constructed and equipped is wholly unprovided for. Upon this vital point the bill is entirely and ominously silent.

Third.—The interest upon the six millions (\$6,000,000) bonds to be surrendered is payable, according to a recent decision of the Supreme Court of the United



States, in gold. The interest on the bonds to be received would be payable in currency.

Fourth.—The State is now receiving upon the bonds to be surrendered four hundred and sixty thousand dollars (\$460,000) per annum; and under existing laws is entitled to receive that amount annually until the whole be paid. If the contract of guaranty mentioned in the bill were performed to the letter, the State could only receive three hundred thousand dollars (\$300,000) per annum for the next three years. The loss, therefore, to the revenue by this exchange would be one hundred and sixty thousand dollars (\$160,000) annually for the first three years, and thereafter the whole amount would be lost unless paid by the projected road.

Fifth.—Other bonds, to the amount of three millions and a half dollars, (\$3,500,000), most amply secured, are to be exchanged for second mortgage bonds on a prospective railroad. The first mortgage being already authorized for sixteen thousand dollars (\$16,000) per mile at seven per cent. interest.

Sixth.—It may well be doubted whether the proposed road from Jersey Shore would be a success. Almost every new road through such undeveloped regions has experienced a period of insolvency. The connection of the State with similar enterprises presents a sad history of disappointment and failure, of which the Philadelphia and Erie road is a conspicuous illustration. The competing roads already in existence render the proposed security entirely hazardous if not worthless.

Seventh.—As already stated in my last annual message, a large amount of the debt of the Commonwealth will shortly fall due. During the next three years over nine millions of dollars (\$9,000,000) will mature. Should the securities now in the sinking fund be exchanged for unavailable bonds the State could not meet



her just obligations; this would lead to renewals, and these would in time impair our credit. The people have declared and have the right to expect that the debt shall be paid off, as provided in the Constitution, and their taxes reduced.

**Eighth.**—This bill proposes to remit the State to the pursuit of a policy of public improvements by which, in years past, she identified herself with enterprises of doubtful expediency, and which her citizens have with great unanimity condemned.

**Ninth.**—On what sound principle of public policy, equality or justice can all the securities of the State be distributed to these four railroads, to the exclusion of the hundred others in the Commonwealth equally meritorious, and to the exclusion also of all the other interests of the State? What have the great agricultural, mining, manufacturing and other interests done or omitted to do that they should be denied all participation in the public bounty?

Other objections to this measure might be stated, but those already given are considered sufficient to satisfy every impartial mind that the proposed scheme is as gross a violation of the Constitution as of sound policy.

It is therefore most respectfully suggested that the bill be re-considered in the light of these objections, which may not have been fully presented during the few days occupied in the discussion and passage of this act.

JNO. W. GEARY.



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.—  
1870.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

A PROCLAMATION.

Whereas, in and by An Act of the General Assembly of this Commonwealth approved the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor, on the receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the name of the persons returned as elected in the respective districts;

And Whereas, the returns of the General Election held on Tuesday the eleventh day of October last past in and for the several districts, for representatives of the people of this State in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act, whereby it appears that in the First District, composed of the Second, Third, Fourth, Fifth, Sixth and Eleventh wards of the city of Philadelphia, Samuel J. Randall has been duly elected;



In the Second District, composed of the First, Seventh, Eighth, Ninth, Tenth and Twenty-sixth wards of the city of Philadelphia, John V. Creely has been duly elected;

In the Third District, composed of the Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth wards of the city of Philadelphia, Leonard Myers has been duly elected;

In the Fourth District, composed of the Fourteenth, Fifteenth, Twentieth, Twenty-first, Twenty-fourth, Twenty-seventh and Twenty-eighth wards of the city of Philadelphia, William D. Kelly has been duly elected;

In the Fifth District, composed of the Twenty-second, Twenty-third and Twenty-fifth wards of the city of Philadelphia and the county of Bucks, Alfred C. Harmer has been duly elected;

In the Sixth District, composed of the counties of Lehigh and Montgomery, Ephraim L. Acker has been duly elected;

In the Seventh District, composed of the counties of Chester and Delaware, Washington Townsend has been duly elected;

In the Eighth District, composed of the county of Berks, I. Lawrence Getz has been duly elected;

In the Ninth District, composed of the county of Lancaster, Oliver I. Dickey has been duly elected;

In the Tenth district, composed of the counties of Lebanon and Schuylkill, John W. Killinger has been duly elected;

In the Eleventh District, composed of the counties of Northampton, Carbon, Monroe, Pike and Wayne, John B. Storms has been duly elected;

In the Twelfth District, composed of the counties of Luzerne and Susquehanna, L. D. Shoemaker has been duly elected;

In the Thirteenth District, composed of the counties of Bradford, Wyoming, Sullivan, Columbia and Montour, Ulysses Mercur has been duly elected;



In the Fourteenth District, composed of the counties of Northumberland, Union, Snyder, Juniata and Dauphin, John B. Packer has been duly elected;

In the Fifteenth District, composed of the counties of Cumberland, York and Perry, R. I. Haldeman has been duly elected;

In the Sixteenth District, composed of the counties of Adams, Franklin, Fulton, Bedford and Somerset, Benjamin F. Myers has been duly elected;

In the Seventeenth District, composed of the counties of Cambria, Blair, Huntingdon and Mifflin, R. Milton Speer has been duly elected;

In the Eighteenth District, composed of the counties of Centre, Clinton, Lycoming, Tioga and Potter, Henry Sherwood has been duly elected;

In the Nineteenth District, composed of the counties of Erie, Warren, McKean, Forest, Elk, Cameron, Jefferson and Clearfield, Glenni W. Scofield has been duly elected;

In the Twentieth District, composed of the counties of Crawford, Venango, Mercer and Clarion, Samuel Griffith has been duly elected;

In the Twenty-first District, composed of the counties of Indiana, Westmoreland and Fayette, Henry D. Foster has been duly elected;

In the Twenty-second District, composed of that part of Allegheny county south of the Ohio and Allegheny rivers, and including Nevil Island, James S. Negley has been duly elected;

In the Twenty-third District, composed of that part of Allegheny county north of the Ohio and Allegheny rivers, and Butler and Armstrong counties, Ebenezer McJunkin has been duly elected;

In the Twenty-fourth District, composed of the counties of Lawrence, Beaver, Washington and Greene, William McClelland has been duly elected;

Now Therefore, I. JOHN W. GEARY, Governor as



aforesaid, have issued this my Proclamation, hereby publishing and declaring that Samuel J. Randall, John V. Creely, Leonard Myers, William D. Kelly, Alfred C. Harmer, Ephraim L. Acker, Washington Townsend, I. Lawrence Getz, Oliver I. Dickey, John W. Killinger, John B. Storm, L. D. Shoemaker, Ulysses Mercur, John B. Packer, R. J. Haldeman, Benjamin F. Myers, R. Milton Speer, Henry Sherwood, Glenni W. Scofield, Samuel Griffith, Henry D. Foster, James S. Negley, Ebenezer McJunkin and William McClelland have been returned as duly elected in the several districts before mentioned, as representatives of the people of this State in the House of Representatives of the Congress of the United States for the term of two years to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy, and of the Commonwealth the ninety-fifth.

JNO. W. GEARY.

By the Governor..

F. Jordan,  
Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving.—1870.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

## THANKSGIVING PROCLAMATION.

In continuance of an honored State and National custom, and in devout acknowledgment of human dependence upon Almighty favor, I do hereby appoint Thursday, the twenty-fourth day of November next, as a day of general Thanksgiving and Praise, being the same day and for the same ends and uses set forth by His Excellency, the President of the United States, in his Proclamation of the twenty-first instant.

Pennsylvania, unsurpassed in blessings, should not be surpassed by any in acknowledging her gratitude to God. Let us then as citizens of the Commonwealth abstain, as far as possible, from our usual avocations on that day, and assemble at our respective places of worship, and let us there, and in the festivities of our assembled families at our cherished homes, rejoice in the goodness of God, and render thanks to Him, for His loving kindness and His abundant mercy toward us. Let our thanksgiving and praise find expression in dedicating the day to deeds of benevolence and charity, and in ministering to, and alleviating the wants of the poor, the needy and the suffering; so that all may "rejoice and be exceeding glad." "To do good and to distribute, forget not, for with such sacrifices God is well pleased."



Let us invoke Divine favor upon our beloved State and Nation, and pray that all who are called to administer their governments may be actuated by the "spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord."

Given under my Hand and the Great Seal of the State, at Harrisburg this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and seventy, and of the Commonwealth the ninety-fifth.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Proclamation of the Cancellation of One Million Six Hundred and Two Thousand Three Hundred and Twenty One Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-



**A PROCLAMATION.**

Whereas, By the third section of the Act of the General Assembly of this Commonwealth, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act to establish a Sinking Fund for the payment of the public debt," and by the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by said first recited Act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them; whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt;

And Whereas, F. Jordan, J. F. Hartranft, and W. W. Irwin, Commissioners of the Sinking Fund, in obedience to the requirements of law, report and certify to me, that the debt of the Commonwealth of Pennsylvania redeemed and held by them from the first day of December, Anno Domini one thousand eight hundred and sixty-nine, to and including the thirtieth day of November, Anno Domini one thousand eight hundred and seventy, amounts to one million six hundred and two thousand three hundred and twenty-one dollars and thirty-one cents, made up as follows, viz:



Five per cent. loan redeemed, . . . . .	\$1,355,906 31
Six per cent. loan redeemed, . . . . .	246,400 00
Relief notes cancelled, . . . . .	15 00
	<hr/>
	\$1,602,321 31
	<hr/>

Now Therefore, as required by the third section of the Act of the General Assembly first above mentioned, I, JOHN W. GEARY, Governor as aforesaid, do hereby issue this, my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One million six hundred and two thousand three hundred and twenty-one dollars and thirty-one cents of the principal debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this tenth day of December, in the year of our Lord one thousand eight hundred and seventy, and of the Commonwealth the ninety-fifth.

JNO. W. GEARY.

By the Governor.

F. Jordan,  
Secretary of the Commonwealth.

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Annual Message to the Assembly.—1871.

Executive Chamber,  
Harrisburg, January 4, 1871.

Gentlemen:

**A**N ALL-WISE PROVIDENCE HAS PERMITTED you to assemble under circumstances demanding profound gratitude to the Great Lawgiver of the Universe. Our acknowledgments are first due to Him whose hand has not grown weary in showering blessings in profusion upon the people in every department of industry, and crowning their toil with richest rewards.



The circumstances under which you commence the duties of the present session are, indeed, auspicious; and at no former period in our history has there been greater cause for felicitation upon the inestimable blessings we enjoy, and the happy and prosperous condition of our great and growing Commonwealth.

The meeting of the General Assembly is always a matter of deep interest to the people, and perhaps never more so than now, when an unusual amount of necessary general legislation will occupy your attention, and questions of the highest importance are to be discussed and determined upon. I sincerely trust your industry and faithfulness in the performance of the important work before you will win you the proud title of "the working Legislature."

Amid such circumstances our attention should be directed to a careful review of all the most important and essential interests of the State; and in the exercise of that discretion which the Constitution has confided to the Executive, I proceed to communicate such information, and to recommend to your consideration such measures as are deemed necessary and expedient.

As first in order and most important, I will present a carefully prepared and precise statement of the financial condition of the Commonwealth.

#### FINANCES.

It affords me pleasure to congratulate the people upon the satisfactory condition of the Treasury. Every demand upon it for ordinary and other expenses has been promptly paid, and the public debt materially reduced, which has inspired such public confidence in the securities of the Commonwealth as to cause them to command the highest premiums in the market. The operations of this department will be presented to you more fully and in detail in the reports of the Auditor General, State Treasurer, and Commissioners



of the Sinking Fund. The following statement exhibits the receipts and disbursements for the fiscal year ending November 30, 1870:

#### RECEIPTS.

Balance in Treasury, November 30, 1869, .....	\$1,400,862 49
Ordinary receipts during the fiscal year ending November 30, 1870, .....	6,336,603 24
<hr/>	
Total in Treasury during year ending Nov. 30, 1870, .....	\$7,737,465 73

#### DISBURSEMENTS.

Ordinary expenses paid during the year ending November 30, 1870, ...	\$2,866,832 09
Loans, &c., redeemed, ....	1,702,879 05
Interest on loans, .....	1,864,811 77
<hr/>	
	6,434,522 91
<hr/>	
Balance in Treasury, November 30, 1870, .....	\$1,302,942 82
<hr/> <hr/>	

#### PUBLIC DEBT.

The public debt due on November 30, 1869, was, .....	\$32,814,540 95
Deduct amount redeemed by Sinking Fund Commissioners during the fiscal year ending November 30, 1870, .....	\$1,602,321 31
Amount redeemed by Treasurer during same time, .....	100,537 74
<hr/>	
Total, .....	1,702,879 05
<hr/>	



Total public debt, November 30,  
1870, ..... **\$31,111,661 90**

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The following statement shows the nature of the indebtedness of the Commonwealth, November 30, 1870:

Funded debt, viz:

Amount of overdue loans,	<b>\$707,050 33</b>
Amount of overdue loans payable in 1871, interest 6 per cent., .....	<b>2,769,250 00</b>
Amount of overdue loans payable in 1872, interest 6 per cent., .....	<b>4,731,300 00</b>
Amount of overdue loans payable in 1872, interest 5 per cent., .....	<b>92,850 00</b>
Amount of overdue loans payable in 1877, interest 6 per cent., .....	<b>7,890,550 00</b>
Amount of overdue loans payable in 1877, interest 5 per cent., .....	<b>3,577,700 00</b>
Amount of overdue loans payable in 1878, interest 5 per cent., .....	<b>305,000 00</b>
Amount of overdue loans payable in 1879, interest 6 per cent., .....	<b>400,000 00</b>
Amount of overdue loans payable in 1882, interest 5 per cent., .....	<b>1,138,950 00</b>
Amount of overdue loans payable in 1882, interest 4½ per cent., .....	<b>112,000 00</b>
Amount of overdue loans payable in 1882, interest 6 per cent., .....	<b>9,273,050 00</b>
	<b>\$30,997,700 33</b>



Unfunded debt, viz:		
Relief notes in circulation	\$96,382 00	
Interest certificates out- standing, .....	13,086 52	
Interest certificates un- claimed, .....	4,448 38	
Domestic creditors' certifi- cates, .....	44 67	
	<hr/>	113,961 57
Total public debt, Nov. 30, 1870,		
as above stated, .....	\$31,111,661 90	<hr/> <hr/>

#### REDUCTION OF THE PUBLIC DEBT.

On the fifteenth day of January, 1867, the total indebtedness of the State was thirty-seven million seven hundred and four thousand four hundred and nine dollars and seventy-seven cents. Since then, and up to November 30, 1870, the sum of six million five hundred and ninety-two thousand seven hundred and forty-seven dollars and eighty-seven cents has been paid. The reduction during the year ending November 30, 1870, is one million seven hundred and two thousand eight hundred and seventy-nine dollars and five cents.

The average reduction per annum, for the last four years, is one million six hundred and forty-eight thousand one hundred and eighty-seven dollars.

In view of the fact that prior to the first of July, 1872, nearly eight million dollars of the public debt will be due, and in order that the Commonwealth may continue to meet all its obligations promptly at maturity, I recommend that such provision be made by the Legislature, as will authorize the Commissioners of the Sinking Fund to sell all the assets that may be in their possession, and apply the proceeds to the extinguishment of the debt; or, at the option of the



holders, to exchange them for the outstanding bonds of the Commonwealth.

The indebtedness of the State might be paid in the following manner: As already shown, it was, on November 30, 1870, about thirty-one million dollars, from which amount, if the said assets, \$9,500,000, be deducted, there would remain unpaid \$21,500,000. After which, estimating the revenues and expenditures to continue as at present, the entire liabilities of the State could be liquidated in about eight years.

If this mode of paying the State debt should be regarded as unnecessarily rapid and oppressive, then a movement to revise and modify taxation may meet with much more general favor. Our debt is now held firmly by those to whom it is a great benefit to have so secure an investment. A certain reduction of one million dollars per annum on it would, perhaps, be more satisfactory to them and to the people, than to strive to pay it off so hastily. In an endeavor to force things under the present mode of taxation, there is great danger of driving capital away from our manufacturing centres. The landholder has been exempted from taxes on his land for State purposes, and the burden shifted upon the active, energetic and enterprising portions of the community, who have always had their full share to bear. The farmer is at ease, and runs no risk; whilst the business man, merchant and manufacturer are the motive power of the community, upon which the farmer himself must, in a great measure, depend for a realization of his industry. A more liberal policy towards those engaged in mercantile, manufacturing, railroad and mining pursuits should be adopted. Unless these interests are fostered and kept in full operation, all classes of the people will suffer. They are the very life-blood of the State, and should not, in any way, be chilled or impeded, by over-burdening them with taxation for the immediate payment of the entire State liabilities.



The foregoing recommendations, in my opinion, embrace the true policy of the Commonwealth, and if adopted, will, doubtless, receive a hearty response and endorsement from the people. The tax-payers demand that all their social, industrial, commercial and financial operations shall be relieved from the burdens of any more taxation than may be necessary for the gradual payment of the debt, as is last above indicated, and to defray the frugal expenses of the administration of the government. Economy and reform should no longer be advocated as glittering generalities, or mere abstractions, without meaning or intent, but as vital, living realities.

#### CONSTITUTIONAL CONVENTION.

Four years' experience as an executive officer has given me abundant opportunity for careful observation upon the workings of our fundamental law, and the legislation of the State. This experience has strongly impressed me that there should be a thorough revision of the State Constitution, with such amendments as the wisdom of a convention assembled for that purpose would undoubtedly suggest, and an enlightened public sentiment demand.

The authority for holding such convention is found in the second section of the ninth article of the Constitution, and is declared in these words: "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper."

The last convention for this purpose was held in 1838. During the thirty-two years which have since elapsed, sundry amendments have been made by joint



resolutions of the General Assembly, and in compliance with the tenth article of the Constitution, were approved and ratified by a majority of the qualified voters of the State. The most important were those of 1850, making the judges of the courts elective; of 1857, creating a Sinking Fund, regulating the public debt and legislative districts; and of 1864, conferring the right of suffrage upon those engaged in the military service of the State or Nation, and imposing sundry restraints on the power of the Legislature. These amendments, though important and valuable, give an incongruous and sort of patch-work character to the Constitution, and are not consonant with the requirements of the times.

This is a progressive period, and our State has outgrown its fundamental law. That law should, therefore, be made to keep pace with the age in which we live. The existing Constitution, including the amendments of 1857 and 1864, impose many wholesome restrictions on the power and jurisdiction of the Legislature; but experience has demonstrated their inadequacy to protect the people against the evils intended to be remedied, and especially those of corporate power, and of special and local legislation. The pamphlet laws for the last four years show that the general laws for each session made only about one hundred pages, whilst the local and special legislation for the same period amount annually to about thirteen hundred and fifty. The resulting evils are manifold and aggravated; and prominent among the reasons and suggestions why a remedy should be applied, I respectfully submit the following:

First.—Different systems of laws for roads, bridges, schools, elections, poor-houses and many other things, are enacted for the several counties, townships and boroughs, on subjects which ought to be regulated by general laws, operating uniformly upon all.



**Second.**—It is impossible for the citizens, judges of the courts, or members of the legal profession, to acquire or retain an accurate knowledge of the varying systems of laws in their respective districts; and frequently on removal from one county to another, our people find themselves under almost entirely different codes.

**Third.**—Practically, the whole theory of our Constitution and government is subverted and destroyed by the present system of local enactments. Representative government is based on the idea that the laws shall be framed by, and be the result of, the collective wisdom of the people's representatives. But what are the actual facts? The minds and efforts of the members are so wholly absorbed by private and local bills that it is almost impossible to get a general or public act considered or passed. The special and local bills are usually drawn by the member representing the locality, or by some one from the district interested in the proposed law. By what is called courtesy, it is considered a breach of etiquette for any member of the Senate or House to interfere with or oppose a merely private or local bill of any other member. The result is, the bills are passed as originally prepared, without examination or comparison of views—often crude and ill-digested, and without regard to constitutional requirements, or sound public policy. Some of the worst of these hasty and badly considered enactments are arrested every year by Executive interposition; but in the nature of the case, the veto at best can only be made a partial restraint upon the evil; and nothing can eradicate it short of constitutional prohibition.

**Fourth.**—Special legislation is the great and impure fountain of corruption, private speculations and public wrongs. It has become a reproach to republican government and is one of the most alarming evils of the times. Judicious amendments to the Constitution



would arrest and destroy the growing evil; and it is the duty of every patriotic citizen to co-operate in all lawful measures to effect so desirable a consummation. In the enactment of laws a radical change is demanded. Every bill presented for adoption should be read, at least once in full, and the yeas and nays be recorded on its final passage.

Fifth.—It is important that the State Constitution should be made to conform to the Constitution of the United States as recently amended.

Sixth.—The subject of minority representation is now much agitated, and is receiving a large share of consideration among thoughtful and considerate men. It embraces problems of great political importance, and its manifest justice commends it to public favor. Whilst some of the objects it proposes might be obtained by legislative enactments, the general principles involved are so elementary and radical, they should if adopted, be incorporated into the fundamental law.

Seventh.—The members of the General Assembly should be increased in number.

Eighth.—There should be a fundamental limitation to the powers of corporations.

Ninth.—There is absolute necessity for greater security for the public funds and for their proper distribution.

Tenth.—The State Treasurer, Superintendent of Common Schools, and a Lieutenant Governor, the latter to preside over the Senate, and perform the duties of Governor, in case of his absence, sickness or death, should be elected by the people. The Attorney General, Secretary of State, and the Adjutant General should, for obvious reasons, be elected by the Governor.

Eleventh.—The Legislature should, with great effect, adjourn on Tuesday in



on which nearly all the surrounding States now hold theirs. This would dispense with one election every fourth year, and prevent invasion from other States for the purpose of interfering with our elections, as the citizens of each State would be occupied with their own. The season, too, would be more satisfactory to the people of the agricultural districts, as it would not interfere with the harvesting of their corn and other summer productions.

The necessity for constitutional reform is appreciated and admitted by all who have reflected upon the subject, and without distinction of party, the press has been out-spoken, and has almost unanimously sanctioned the calling, at an early day, of a constitutional convention.

For these reasons, and many others equally important which might be enumerated, I earnestly recommend that the Legislature make provision for a convention to thoroughly revise and amend the Constitution of the State.

#### REVISION OF THE CIVIL CODE.

The commissioners to revise the statutes have completed their work. The entire laws of the Commonwealth, including those of British origin, except such as relate to crime, have been revised, collated and systematically arranged in a volume of less than three hundred pages, or about one-third the size of Purdon's Digest. Our laws are the accretions of one hundred and seventy years. Many of them are incongruous and disjointed enactments, which have been increasing, from time to time, by fragmentary legislation, without any attempt at system, logical arrangement, or conciseness of language. From the examination I have been able to give the revision, I am satisfied that in the discharge of their duty, the commissioners have exercised great diligence, ability and a conscientious



desire for its successful accomplishment. It cannot be presumed that a work of such magnitude is perfect in every particular; and how far it may answer the purpose for which it was undertaken, remains to be determined. That it is an improvement upon what it is intended to supply there is no room for doubt. It adheres in the main to the text of existing laws, with occasional changes to meet present demands, but which were not needed when they were first enacted, and also additional provisions which the progress of the age requires. The work, as presented, might properly be adopted, without material changes, making it the basis for such amendments as time and necessity may suggest, or as may be recommended by the joint committee to which it was referred for examination by the Legislature of last year. It will be seen that some of its provisions have been framed with a view to throw much of our special legislation into the courts, where it may be disposed of with less inconvenience to interested parties, and a great saving in our annual expenditures.

#### WRITS OF ERROR IN CRIMINAL CASES.

At the last session of the Legislature an act was passed, entitled "An Act to allow writs of error in cases of murder and voluntary manslaughter." The first section provides that a writ of error "shall be of right, and may be sued out upon the oath of the defendant or defendants, as in civil cases."

The second section makes it the duty of the judges of the Supreme Court, in all such cases, to review both the law and the evidence.

Before this enactment the law required the defendant to allege that some error had been committed by the court on the trial, and to show cause, within thirty days, why the writ of error should be granted; but this law gives a writ, whether any error is alleged or



not, and allows the defendant seven years in which to issue it, according to the practice in civil cases. Heretofore the Executive did not ordinarily issue the warrant for execution of any criminal until the expiration of the thirty days within which he was permitted to apply for his writ of error. That limitation of thirty days being now virtually repealed, and seven years substituted therefor, is it expected the warrants shall be withheld for the seven years? If not, when may it properly issue? And if issued at any time within the seven years, may not the criminal supersede it at any time he pleases by his writ of error? And may it not be reasonably expected that this will be the practical result in every such case? This would seem like trifling with very serious matters; and I respectfully submit whether the act of last session should not be repealed, or very materially modified, without delay. In my message of 10th February, 1870, returning the bill with my objections, I gave sundry reasons why it should not be approved, and the views therein expressed remain unchanged; and the Supreme Court of the State, in the recent Shoeppe case, express their opinion of this enactment, as follows:

“It is not improper before closing to say a few words in reference to the act of 1870, to draw attention to some of its defects, and to the radical change in our criminal jurisprudence it will produce. It was passed for this case, but owing to the Governor’s veto it came too late. It is another evidence that laws which are the offspring of feeling are seldom wisely framed. It commands this court to review the evidence, and to determine whether the ingredients to constitute murder in the first degree were proved to exist; and yet in forgetfulness of the former law, it provides no means to take, preserve and bring up the evidence. This, the first attempt to act under it, proves its inefficiency, the judge below returning to our certiorari that he was not



able to make the return of the evidence. He is not bound by law to take the testimony or to certify to it. A bill of exceptions brings up only so much of the evidence as may be required to explain the point of law contained in the bill.

“The effect of this law seems not to have excited attention. It has changed the whole doctrine of the criminal law as to the speed and certainty of punishment, and left to the felon both the hope and a door of escape, not only from the law’s delay, but by prison breach, and all the various means of avoiding retributive justice. At this moment, two cases occur to my memory of convictions of murder in Allegheny county, delayed by dilatory motions, where the prison doors opened by unknown means, and the prisoners escaped forever. Any murderer may, under this law—though like Probst he may have murdered a whole family—take out his writ of error, without limitation of time or condition, whether in prison under sentence, or stepping upon the trap of the gallows, with cause, or without it, and suspend his case until the next term of the Supreme Court. No one could condemn him if the death warraht not preventing, he should wait till the term of the Supreme Court be passed, and then take out his writ of error to delay the execution of his sentence for a whole year. That only security to the public, the examination of the case and allowance of the writ for cause, is repealed.”

#### APPORTIONMENT.

The important duty devolves upon you to apportion, in accordance with the last census, the representation to the General Asesmbly and to Congress. This will be among the most laborious and difficult works of the session. In its performance, it is presumed and trusted that you will be guided and governed by a strict sense of justice and impartiality to all parties and to



every district in the State, so that no well-founded reason be given for complaint or censure.

Under the laws of the State it is made the duty of the county commissioners of the respective counties to make returns to the Governor of the septennial enumeration of taxables on or before the first Tuesday of December. Not one-fourth of these returns have yet been received although the attention of the commissioners was invited to the subject by special circular from the Secretary of the Commonwealth. As soon as the returns come to hand, the necessary abstracts will be made out and forwarded to the Legislature.

#### COMMON SCHOOLS.

The report of the Superintendent of Common Schools shows that there are now within the State, 2,002 school districts; 14,212 schools; 2,892 graded schools; 13,100 directors; 79 county and other superintendents; 17,612 teachers, and 828,891 pupils. This is an increase over the preceding year of 31 districts; 276 schools; 447 graded schools; 200 directors; 3 superintendents; 470 teachers, and 13,138 pupils.

The cost of tuition for the past year, was \$3,745,475.81; building, purchasing and renting school houses, \$2,765,644.34; contingencies, \$1,165,226.05; other expenditures, \$95,475; making a total of \$7,771,761.20. Estimated value of school property, \$15,837,183. Average salary of male teachers, \$40.65 per month; length of school term, 6.06 months; and the cost per month of each pupil, 98 cents.

In addition to the above, five normal schools are recognized by the State. These are intended specially to instruct in the art of teaching, and to furnish suitable teachers for the common schools. The many highly qualified instructors that have graduated therein, afford a sufficient assurance of their success and usefulness. They have aided materially in the rapid



advancement of our general and widely approved educational system. Since their recognition, 12,390 students have been received into them; and 2,675 are now enrolled. There are 66 professors and tutors. The libraries contain 8,135 volumes. The buildings and grounds are valued at \$364,667; and the furniture and apparatus at \$75,000. Besides the schools that receive legislative support, there are in the State 601 private schools, seminaries and academies, employing 848 teachers and having 24,815 students. The estimated value of their property is \$600,000, and the annual amount received for tuition \$380,000. There are also thirteen colleges, with 157 professors and tutors, and 2,805 students enrolled. They own much valuable property, and their libraries number 95,000 volumes.

These statistics will, doubtless, prove interesting to all who peruse them, and those relating to the common schools merit the especial attention of the Legislature. The prosperity and happiness of all communities depend, more than anything else, upon their general intelligence. Idleness, immorality, crime and poverty abound most where ignorance prevails. The greatest wealth a people can possess, and the highest political freedom and power they can attain, are based upon and derived from a sound and generous education. Freedom from the many evils that disturb the peace of society; social harmony; good and healthful government; and all the multiform blessings that conspire to produce human happiness, are its legitimate fruits. Money judiciously expended by any community for the mental training of its youth, cannot be lost; it will not fail to return in due time, bearing a liberal interest. The admirable workings of our Pennsylvania school system are everywhere admitted, and its great success is chiefly owing to the generosity of the Legislature by which it has been so kindly and so beneficently nurtured, and it is sincerely to be trusted



that it will never weary in this praiseworthy work, which has thus far been so well accomplished and so abundantly rewarded.

#### SOLDIERS' ORPHANS' SCHOOLS.

Your attention is respectfully invited to the report of the Superintendent of the Soldiers' Orphans' Schools for the year terminating May 31, 1870.

Since the first organization of these schools the whole number of children admitted is 5,053. And during the same period, the discharges, including deaths, amount to 1,524, leaving 3,529 in the schools at the close of the year; of whom 2,137 are in "graded," and 793 in "primary schools," and 599 in "Homes."

During the year terminating May 31, 1871, 493 of these will be discharged on age; in 1872, 477; in '73, 599; in '74, 646; in '75, 646; in '76, 602; in '77, 584; in '78, 410; in '79, 291; and in '80, the remainder, 171. From this statement it will be seen that all the children now in the schools, on reaching the age of sixteen, will be discharged in ten years on age alone. The reinforcements to the schools will hereafter consist only of children born prior to January 1, 1866; consequently all who may hereafter be admitted must come in during the next ten years, and they will be more than absorbed by the discharges on order. The number discharged this year, on age, is 400, and on order, 230, and 15 have died, making in all, 645. Should the rapidity of the discharges on order continue in anything like the ratio of the present year, it will not require more than five years to exhaust the greater portion of the schools, and the children remaining in them will from time to time have to be concentrated in a few of the schools which shall be deemed the best, to close up the concern.

The expenditures of the system for the school year ending May 31, 1870, are as follows, viz:



For education and maintenance of children in advanced schools, .....	\$283,900 67
For education and maintenance of children in primary schools, .....	101,475 58
For education and maintenance of children in homes, .....	65,266 42
For clothing, shoes, mending, &c., ....	53,993 75
For partial relief of 13 children, at \$30 each, .....	390 00
For general expenses, .....	9,100 00
<hr/>	
Total expenses, .....	\$514,126 42
Total appropriations, .....	494,700 00
<hr/>	
Balance, .....	\$19,426 42
<hr/> <hr/>	

The sum appropriated is for the amount estimated by the Superintendent in his report of 1869, but owing to the extreme pressure of the guardians and relatives of many indigent and suffering applicants, the Superintendent, with my consent, admitted a larger number of children than he originally estimated for; the balance, as above stated, has, for this reason, necessarily and unavoidably accrued.

Under an act, entitled "An Act to provide means for the establishing a soldiers' orphans' school in each State Normal school district in this Commonwealth, now destitute thereof," approved April 15, 1867, and a supplement thereto, approved March 25, 1868, the sum of twenty-one thousand dollars was advanced out of the State Treasury as a loan to five institutions. These being fully established, are re-paying this loan at the rate of five per cent. quarterly, as specified in the act. Sixteen thousand eight hundred dollars of this loan remained unpaid on May 31, 1870, and owing to the change of the form of settlements which, by law, went into operation at that time, it was, unexpectedly



to the Superintendent, deducted from the appropriation by the accounting officers, and consequently bills for education and maintenance for that sum and the above balance remain unpaid. No special appropriation for this amount is asked; but all that is required is the passage of a joint resolution, authorizing its payment from the sum appropriated for the expenses of the current year, which, in consequence of a reduction in prices, I am informed will exceed them to about the amount of the said balance.

The early passage of such a resolution is necessary, because the institutions to which the money is due cannot afford to wait long for it without serious inconvenience. Provision should also be made by the Legislature that, as the said sum of \$16,800 is re-paid in quarterly instalments by institutions from which it is due, it shall be applied to the reimbursement of the funds appropriated for the advances thus made.

The Superintendent estimates the expenditures for education, maintenance, clothing, &c., of 3,600 children during the year terminating May 31, 1872, at \$500,000. After a careful examination, I find it correct, and respectfully request an appropriation for that amount. This estimate will, it is believed, enable the Superintendent to admit all proper applicants. It is \$20,000 less than the appropriation for the current year, and it is confidently anticipated that hereafter each succeeding estimate for annual expenses will be much more largely decreased.

I have personally visited, inspected and examined quite a number of these schools since the adjournment of the last Legislature; and I do not hesitate to pronounce them superior, in all respects, to any other institutions of a similar character in the country. The supervision of the Superintendent and the male and female inspectors has been exceedingly faithful and effective; and those having the schools in charge, with



but few exceptions, have displayed a devotion to their duties, and to the interests of the children, as unexceptionable as if dictated by the purest parental affection.

The sanitary condition of these children is one of the most remarkable features of the schools. During the five years they have been in operation, out of 5,053 children, only seventy-one have died, which is but a little over one and four-tenths per cent. of the entire number for the whole time, or less than three-tenths of one per cent. per annum. These facts are incontestible evidences of the care and attention that have been bestowed upon these institutions.

The establishment of these schools, and the liberal encouragement and support they have received, have met the approval and admiration not only of the other States of the Union, but of the entire civilized world. Philanthropists and statesmen from foreign nations are constantly making inquiries concerning the laws governing and directing the operations of our soldiers' orphans' schools, their management and the results, and give frequent assurances of unqualified commendation.

The foregoing exhibit is, I trust, sufficiently satisfactory to prompt a continuance of the generous patronage already extended to an institution unsurpassed by any other of the kind in usefulness. Its benefits extend beyond the mere shelter, clothing, feeding and education of the sons and daughters of our heroic dead. In generations far remote its influences will stimulate to deeds of patriotic ardor and heroism. Hereafter the defenders of our country will not falter when they reflect that should they fall, they have in the Commonwealth a parental protector of their beloved ones, who otherwise would be left desolate and neglected. The State has abundant cause to rejoice in what it has done for its soldiers' orphans,



and to be proud of these schools, which now constitute the brightest jewels that adorn its crown and glory.

#### AGRICULTURAL COLLEGE.

This institution appears to be gradually accomplishing the objects for which it has been liberally endowed by the State. It has about sixty students who are instructed, not only in the ordinary branches of literature and science, but in all the field operations necessary for a thorough agricultural education.

The Experimental Farms, established under the supervision of the officers, have thus far answered their expectations. The experiments therein are carefully recorded; every incident of cultivation, the nature of the seed committed to the soil, its inception, growth, progress and results, together with the conducting causes, being accurately noted. The publication of these observations, made in different parts of the State, various climates and soil, under the guidance of skilled agriculturists, will impart valuable lessons for the benefit of the practical farmer, and, doubtless, be the means of establishing a "Science of Agriculture," having its foundation in the wisdom of experience. The report of the trustees furnishes a full description of the educational and financial condition of the college, together with the progress and results of the Experimental Farms during the year just ended.

#### MILITARY.

Your attention is invited to the accompanying report of the Adjutant General, for the details of the transactions of his department during the past year. The necessity of a military power in the State, subordinate and auxiliary to the civil authorities, has been so fully discussed, and so generally admitted, as to render any argument on the subject entirely superfluous. It is admitted, on all hands, that a thoroughly



organized and well disciplined military force contributes essentially to the maintenance of the peace and good order of society, and to the security of the persons and property of citizens. It has been my desire and aim to constitute such a force, to aid the civil authorities, should an emergency arise, in the suppression of public tumult or disorder. This has been effected more successfully than was at first anticipated. In 1866, there were but eight volunteer companies in the State; at the close of 1869, there were one hundred and eighty-four; to which number one hundred and fifty-eight companies were added last year. In the meantime, thirty have been disbanded, leaving three hundred and eleven organized and active military companies now recognized by act of the Legislature, as the "National Guard of Pennsylvania."

From the company organizations fourteen regiments and five battalions have been formed. Whilst I am not disposed to encourage regimental organizations of cavalry or artillery, they being unnecessarily large and expensive, I regard separate or independent troops and batteries of these branches of the service, attached to brigades or divisions, as highly important.

The quota of arms due Pennsylvania has been drawn from the General Government. This amounted to forty-five hundred breech-loading rifle-muskets and accoutrements, with a proportionate supply of the proper ammunition. These have been distributed, as provided by the fifty-seventh section of act of May 14, 1864, in such manner as in my judgment "will most effectually subserve the military interests and necessities of the Commonwealth."

As heretofore stated, all the State military departments created during the war have been merged into that of the Adjutant General. That department is now the depository of all our military records, the importance and value of which are constantly indi-



cated by the daily applications of officials of the General and different State governments, of attorneys and agents, of soldiers themselves, or their representatives, for certificates and exemplifications. The Adjutant General is also the responsible custodian of all the military property belonging to the Commonwealth. I, therefore, recommend that his department receive the favorable consideration of the Legislature, and the continuation of such appropriations as may be required for its efficient administration.

#### MILITARY HISTORY.

The Legislature, in 1864, passed an act authorizing the Governor "to appoint some competent person to prepare a military history of Pennsylvania volunteers and militia," who had been or might thereafter be in the field during the war of the rebellion. In conformity therewith, my predecessor appointed Samuel P. Bates, Esq., to perform this difficult and responsible undertaking. He commenced the task with zeal and industry, and has prosecuted it with ability. The work has proved to be far more extensive, and required a much greater amount of labor and research than was at first contemplated. Four large royal octavo volumes, handsomely printed and substantially bound, have been produced, and the fifth, and last volume, will be completed before the first of June next. The book, itself, affords the best commentary or criticism of the manner in which the author has discharged his duties. It puts in concise form and perpetuates the most important portion of our history, which otherwise would have been forever lost. Hereafter it will be invaluable to the Commonwealth.

#### RIGHTS OF FRENCH CITIZENS.

By the seventh article of a Consular Convention between France and the United States, signed Feb-



ruary 23, 1853, it was stipulated that the citizens of the respective countries should mutually have the same rights to hold real and personal estate, and to enjoy and transmit the same. My attention has been invited to this subject by a letter from Hon. Hamilton Fish, Secretary of State of the United States, dated May 9, 1870, enclosing a copy of a communication from the Minister of France to the United States, resident at Washington. That letter, accompanied by said seventh article, and a copy of my reply thereto. (marked A and B,) are herewith submitted to the Legislature for information, and with the recommendation that the subject be carefully considered, and such action taken thereon as will make the statutes of the State conform to our obligations under the provisions of said convention.

#### NATIONAL CEMETERIES.

On the first of July, 1870, an act of Congress was passed amendatory to the act, entitled "An Act to establish and protect National cemeteries," approved February 22, 1867. The object of these laws is to place under the National Government the management and preservation of these cemeteries, and to secure the consent of the several States in which they are located. This consent has already been given as to the cemetery at Gettysburg, by the act approved April 14th, 1868; and the National authorities now ask for the same action by the State as to the cemeteries at Glenwood, Lebanon, Mount Moriah, Odd Fellows' and Woodland, in Philadelphia; and also those at Harrisburg, Pittsburg and York.

Copies of a communication on this subject, from the Secretary of War, and of the act of July 1, 1870, (marked C and D,) are herewith transmitted, with the recommendation that the consent of the State be given, in compliance with the laws of the United States.



The objections heretofore existing to the payment of the appropriation for the use of the Antietam cemetery having been removed, the sum appropriated has been paid over to the treasurer.

#### IMMIGRATION.

In accordance with a request to that effect, I submit, for your consideration, a copy of the proceedings of the National Immigration Convention, (marked "E,") which was called by the Governors of the Western States, and was largely attended, at Indianapolis, Indiana, on the 23d of November, last. The main object of the convention, it appears, was the adoption of such resolutions as might induce the different States of the Union to importune Congress to enact such laws as would afford immigrants, while in transitu from other lands, and upon their arrival in this country, protection against the abuses to which they are now notoriously subjected. As the encouragement of immigration, of a useful character, has always been the approved policy of our government, the object as presented, is regarded as deserving of your attention.

#### THE MILFORD AND MATAMORAS RAILROAD.

About the close of the last session of the Legislature an act was passed and approved, entitled "A supplement to the Milford and Matamoras Railroad Company." The fourth section of this enactment seems to have been intended to take from the State, and give to the company, the ten thousand dollars bonus, paid into the State Treasury annually by the New York and Erie railroad company, under the fifth section of the act of 26th March, 1846. Soon after the adjournment, my attention was directed to the subject, and to guard against loss I caused the Attorney General to give notice to the New York and Erie railroad company that the State would look to that corporation



for the payment of the annual bonus, as heretofore, notwithstanding the passage of the supplement referred to. I regard the matter as having been enacted and approved, through inadvertence, in the hurry of a closing session, and as hasty and inconsiderate legislation, at variance with the settled policy of the State, and highly prejudicial to the public interests; and I therefore earnestly recommend its immediate repeal, or at least so much of it as relates to the bonus.

#### TELEGRAPH LINES AND RAILROADS.

The question of the assumption of the control of the telegraph lines, and the chartering of railroad companies within the State by the General Government, was partially considered by the Legislature at its last session, and is now receiving considerable attention. Regarding the subject as one of vast importance, involving the sovereign power of the State, the interests of corporations that are enfranchised by it, and of our citizens who have investments in stocks and bonds amounting to many millions of dollars, I most earnestly invite your serious examination and your early action thereon.

#### GEOLOGICAL SURVEY.

A reliable geological and mineralogical survey would be of incalculable value to the State. Without it we have indefinite ideas of our vast undeveloped mineral wealth, and the expense attending it would be utterly insignificant when compared with the beneficial results. We are, at present, without even a reliable map to indicate the locality, character and resources of our mineral regions. And as good maps are the basis of all useful research in every department of science and the arts, especially in the practical sciences of geology and metallurgy, the first step



toward a geological survey is to obtain as correct a map as possible, if not of the entire State, at least of such parts thereof as are of the most importance to be studied geologically. This will be a work of labor and time, and can only be accomplished successfully by triangulating each county separately, and from the county maps thus acquired, constructing a complete and accurate map of the whole State. It is neither wise nor just policy to delay this work because it may be more perfectly effected at some future time. There is for it a present necessity, and the time never will come when such a work can be rendered perfect. There can be no such thing as a final geological report. New developments in mineral resources, as well as additional acquirements in scientific knowledge, will constantly be made as long as the world exists.

The general voice of the business community and landownership of the State demands this survey. It is especially called for by the oil regions, newly discovered coal field, and by the iron, manufacturing and railroad interests. Large portions of the State remain, to a great extent, unstudied by scientific and practical men. The old survey of 1836-41 did a good work, but it is of little value now, except in a few localities. Since it was made, wonderful discoveries have taken place, and problems of structure and deposit still remain unsolved, doubtless involving many millions of dollars in value. Then, many of the back counties were comparatively unsettled, and scarcely any openings were made in our mineral districts, except in the anthracite coal basins and around Pittsburgh. Now, the State is full of trial shafts and private explorations; extensive forests have been cleared; roads penetrate what were inaccessible regions; railways traverse whole counties with instrumental field work; many thousands of oil and salt wells have been



bored; valuable mines put in working order; the population has advanced in intelligence and grown more observant and enterprising, and the skill of the geologist, metallurgist and surveyor has reached a higher degree of perfection.

Posterity has its claims upon us; and it should be considered that whatever is done for the present generation is so much accomplished for the generations that may follow. One important function of a geological survey is to preserve knowledge for future use. Science is cumulative, and its advances are slow. It must collect many facts before it arrives at true conclusions. For want of a proper bureau of statistics, and a corps of observation and publication to collate and relate the facts of our geology and mineralogy as they have appeared, the State has already suffered severely. Much valuable information has been lost, never to be recovered; and but little certain knowledge of past mining, and other scientific operations, has been preserved to govern and assist the future engineer. The sooner, therefore, in my opinion, a geological survey is authorized, the better will it be for the prospective interests of the State, as well as for its present necessities.

#### BOARD OF PUBLIC CHARITIES.

Under the requirements of an act, approved April 24, 1869, I appointed five commissioners to constitute a Board of Public Charities, who, at all times, have full power to look into and examine the condition of all charitable, reformatory or correctional institutions within the State; and at least once in every year visit all such as are receiving State aid, to examine everything connected with their management, and especially to ascertain whether the funds appropriated to them are economically and judiciously expended. The requisite number of gentlemen, possessing the neces-



sary qualifications, have generously consented to serve on this Board, which is now fully organized, and the objects contemplated are being accomplished. Early during the session their first annual report will be presented for your consideration, which will give a full account of the extent and importance of their philanthropic transactions in behalf of the Commonwealth.

#### BATTLE OF GETTYSBURG.

I am informed that the picture of the Battle of Gettysburg, painted by order of the Legislature, has been completed. As this valuable production is the property of the State, I deem it important that you should appoint a committee, with whom I shall be pleased to co operate, to take it in charge and prepare a place suitable for its accommodation. This should be made sufficiently capacious, and so arranged as to afford an opportunity for the display of the flags and other relics of interest to the citizens of the State, and to the numerous visitors at the Capitol.

#### DELAWARE BOUNDARY LINE.

The Legislature, at its session of 1869, passed an act, entitled "An Act to settle, determine and locate the southern boundary line of the Commonwealth." In conformity therewith commissioners were appointed to act "in conjunction with like commissioners on the part of the State of Delaware." That State, however, has failed, thus far, to make the necessary appointments, and the work consequently remains unaccomplished, and the boundary line is not definitely fixed.

Under ordinary circumstances this might not be regarded as important; but when it is considered that there is a material difference in the penal codes of the two States, and that the code of Delaware contains certain provisions, and authorizes the inflic-



tion of punishments repugnant to all the citizens of Pennsylvania, serious evils may some day arise out of the neglect to determine this line. It is impossible to tell what might transpire, should the State of Delaware seize upon a citizen and subject him to the disgraceful and abhorrent punishment of the pillory and the whipping post, who, upon subsequent investigation, was ascertained to have his residence in Pennsylvania. The injured party would have a right to demand, and we would be compelled to grant him satisfaction for the wrong he suffered. This, and other reasons, might be urged for the immediate settlement of this question. Pennsylvania does not desire, and cannot afford, to come into collision with the State of Delaware.

#### FISHERIES.

The Supreme Court has decided that the law requiring the owners of dams in the Susquehanna river to make fish-ways in the same, at least in cases where they had purchased their works from the State, is unconstitutional and void. From this decision it does not appear that the State cannot have such ways constructed at its own expense. But this does not seem advisable until concurrent legislation can be obtained with Maryland, that State holding both banks of the Susquehanna river at its mouth and for many miles above. The subject has been brought to the attention of Maryland, the Legislature of which State, at its last session, passed a law providing for the appointment of commissioners of fisheries, to report at its next session, which will not occur until next winter. The fisheries under consideration are nearly, if not quite, as much deteriorated by the want of statutory laws for their protection as by the mechanical obstructions in the streams.

The New England States and New York have com-



menced the experiment of fish propagation in the large streams north of us on quite an extensive scale. Their experience will be useful to us when all obstacles arising from the divided State ownership of the river shores shall have been obviated. New Jersey appointed fish commissioners at the last session of her Legislature, and the commissioner of Pennsylvania is now in treaty with them in reference to needed concurrent legislation. The subject is receiving careful attention in both States by their delegated agents. It is hoped that Delaware will join with Pennsylvania and New Jersey in the reforms needed on the Delaware river.

#### STATE LIBRARY.

The accumulation of books belonging to the State, by purchase, exchange and donation, largely exceeds the capacity of the cases now in the library for their accommodation. Many thousands of volumes, of great value, are necessarily stored away in such a manner as to render them inaccessible and consequently useless. I, therefore, recommend that the Legislature authorize the construction of a sufficient number of alcoves, to accord with the architectural arrangement of the building. These can be completed at moderate cost, which will be more than compensated for in the safe keeping of the books, and in their accessibility and general usefulness.

#### STATISTICS.

Permit me to renew my recommendations concerning the collection and properly recording of statistical information relating to the development and growth of the various resources of the Commonwealth. Such records are an almost indispensable necessity. The want of them is a source of constant perplexity and annoyance to all the State officers, and to others, in-



cluding United States officials and representatives of foreign nations, who have business with the different departments of the State government. These statistics might be gathered, at a moderate expense, by an intelligent clerk appointed for that purpose, and the books at all times kept open for inspection in the office of the Secretary of the Commonwealth.

#### LAND DEPARTMENT.

The report of the Surveyor General furnishes a detailed account of the Land Office. During the past fiscal year 3,580 patents were issued, covering 537,880 acres, being more than one-fifty-sixth part of the area of the State. The great amount of work in this department requires several additional clerks. The insecurity of the buildings renders necessary additional iron cases or safes for the protection of the muniments of title and other public documents. The expenses of the office, including improvements, was \$23,400, whilst the receipts, from fees alone, amounted to \$54,703 61.

#### MINES.

Herewith is submitted the report of the Inspectors of Mines, filled with highly important statistical information, to which your careful attention is invited.

The necessity for such inspectors is demonstrated by the number of casualties reported, and the propriety of extending the provisions of the act by which it has been instituted to all the mining districts in the State, forcibly exhibited.

#### YELLOW FEVER.

This fearful epidemic made its appearance at the Quarantine Station in June last, spreading terror through that neighborhood, and causing serious alarm in Philadelphia. The disease assumed its worst type, and the percentage of mortality was extremely large.



It was brought to the Lazaretto, from Jamaica, by the brig "Home," whose captain died during the voyage. The vessel was detained by order of the Lazaretto Physician, who, with the Quarantine Master and other valuable attaches of the station, fell victims to the pestilence. The second mate and pilot of the brig, in violation of orders to the contrary, and also of the health regulations, went to the city, where they both died; and it has been inferred that the deaths which subsequently occurred there are partly attributable to their imprudence.

Upon the death of the Lazaretto Physician and the Quarantine Master, I appointed two physicians, both of whom were known to have had much experience in yellow fever, to fill the vacancies. They volunteered their services at a time when it was difficult to obtain persons properly qualified. The results proved the propriety of these appointments. Soon after they entered upon the performance of their duties, the disease was eradicated and the station restored to its usually healthy condition.

Some changes seem necessary for the proper management of the quarantine. In my opinion the Quarantine Master should by law be required to be a medical man, qualified to act as an assistant to the Lazaretto Physician, and to perform the duties of that officer, in case of his absence, sickness or death. Had this been the case when the late physician died, the necessity for calling assistance from without would have been obviated, and the sickness, suffering and mortality lessened. The salary of this officer, as well as that of the Lazaretto Physician, should be materially increased, in order to retain competent and responsible men for these important positions. The salaries now paid were fixed many years ago, and are inadequate compensation for the risks and services required.



Grateful acknowledgments are due to the members of the Board of Health for their excellent sanitary precautions and personal services during the prevalence of the epidemic, and also to the attaches of the Quarantine Station for their fearless devotion to duty in the time of danger, and their constant and self-sacrificing attention to the wants of the sick and dying. Had it not been for these faithful and efficient services, by which the progress of the fever was arrested, Philadelphia and other populous districts might have suffered a repetition of the horrors of former years when this dreaded disease made such frightful ravages.

#### IN MEMORIAM.

Hon. William F. Packer, ex-Governor, died at Williamsport, on the 27th of September last. He was one of the self-made men of whom the State has justly had cause to be proud. In early life he distinguished himself as a journalist, and in the many public positions he subsequently occupied he acquired a high reputation for his eminent abilities as a statesman and executive officer. During his public career he filled the offices of Canal Commissioner and Auditor General, and was a member of each branch of the General Assembly, having served two terms as Speaker of the House. His last public trust was that of Chief Magistrate of the Commonwealth. He was over sixty-three years of age at the time of his death, and has left behind him an untarnished fame.

Hon. Wm. W. Watt, late a member of the Senate, departed this life on the 17th of November last. He had served four successive years as a member of the House of Representatives, and was in the first year of his Senatorial term at the time of his death. He was well known and highly respected, unassuming in his manners, kind and courteous in his deportment,



and in the discharge of his obligations, whether of a public or private nature, he won the esteem of those who knew him.

The Legislature will, I trust, not fail to take suitable notice of the demise of these two distinguished citizens, who, during their life-time, were so prominent in rendering services for the public welfare.

#### PARDONS.

Accompanying this communication will be found the report of pardons granted during the past year. Compared with the increase of crime, and the great number of prisoners in the county jails and State penitentiaries, the number is less than that of former years. In exercising clemency towards persons convicted of crime, I have strictly endeavored, under all circumstances, to observe that caution and discretion contemplated in the Constitution, and to impartially administer that merciful prerogative and extend its beneficent protection only for the correction of the errors of criminal jurisprudence, the relief of those who may have been "cruelly" or "excessively" punished, and those around whom cluster mitigations and ameliorating circumstances.

The number of applications for pardon during the past year was twelve hundred and forty, of which sixty-two, or five per cent., were granted.

The commutation of sentences for good behavior in prison, in accordance with the law of 1869, has effected favorable results in the conduct of prisoners, and their keepers find it a great auxiliary in maintaining a wholesome prison discipline. Its beneficial effect will doubtless be manifest in the conduct of those who are released from prison because of its reformatory influences, and it is believed that fewer convicts discharged under it will return to criminal pursuits than under the old system.



## GENERAL REMARKS.

The cheerful aspect of national affairs is a subject for congratulation. A prudent and patriotic administration has given to the country the substantial fruition of the victories obtained in the late struggle for freedom and the Republic. The dissevered States have been restored to the Union; peace reigns triumphant through all our dominions; the national credit is established beyond the possibility of successful assault, and returning prosperity abounds in every State and department of the government.

The doctrine of free trade, so beneficial to foreign interests and so inimical to American industry, if carried out to its legitimate results, would soon cause American labor to be absolutely impoverished, reduce the free and happy millions of toilers to the degraded condition of the down-trodden population of Europe, and capital would no longer seek enterprises thus rendered unremunerative. Protection to our products and manufactures, when rightly viewed, is protection to labor against competition from abroad. Labor in the United States commands higher wages than in any other country. Consequently our working men are the more elevated. Labor is the foundation of individual and national wealth, and those nations that have most thoroughly protected it from foreign competition have been most prosperous. During the late war the talismanic influences of protection on our home industries, and upon the labor and capital invested, were obvious in developing and raising them from their paralyzed condition to the substantial prosperity which has since pervaded the country. And, now, when it has been so transcendently demonstrated, that we are not only able to defend ourselves, but what is equally important, "to depend upon and live upon our own resources;" and when the advocates of free trade are endeavoring to persuade us to



adopt the absurd theory, that "tariffs hinder the development of industry and the growth of wealth;" why should not the wisdom of the government make available the teachings of experience, and at once legislate for the good of the people? Why should it not protect American labor, maintain its compensation, give the producer a home market, and develop the unbounded resources of the country? The duty on tea, coffee and tropical productions, and all inquisitorial and other taxation under the revenue laws, except upon luxuries, whisky and other liquors, and tobacco, should be repealed. Fortunately in Pennsylvania there is but little, if any, difference of opinion on the subject of a reasonable protective policy. You cannot legislate upon his subject, but you can, and you should, instruct your Senators, and request your Representatives in Congress, to use their best exertions to preserve us from the baneful influences of free trade, to which the emissaries of Great Britain, are now with syren songs, so anxiously and industriously endeavoring to lure us to destruction.

After a satisfactory adjustment of duties on foreign productions, so as to prevent the possibility of undue competition from abroad, and a thorough revision and modification of our system of internal taxation, a limit may safely be placed to the annual reduction of the National debt, say to fifty million dollars, except when great prosperity should make the treasury over plethoric, and then the occasional unexpended balances might be used in the purchase of additional bonds.

The introduction of "Chinese Coolie," or "contract labor," is one of the greatest evils that can befall the toiling millions of our country. Their presence is not only degrading but impoverishing and paralyzing to our patriotic and intelligent workingmen. It is a new species of slavery, equal in all its injurious tendencies



to that, the extinguishment of which cost the nation such immense treasures, and so many thousands of valuable lives. It should not be tolerated for a single moment, as its results will virtually be to debase and force our workingmen into unnatural rivalry with the dregs of the Chinese population. Restrictive laws against the importation of this kind of labor, such as would stay its further progress, should be enacted without any unnecessary delay.

The claims against Great Britain for depredations upon the commerce of our citizens, by the piratical steamship *Alabama*, and other vessels, and the disputed rights of our fishermen in the eastern waters, are yet unsettled. The importance of these issues have caused much bitterness of feeling, and, to a considerable degree, involve the peace and honor of the country. The alleged cruel treatment, by England, of American citizens charged with complicity in some of the Fenian movements, equalled only by the historic horrors of Dartmouth and Andersonville, loudly call for the prompt and humane attention of our Government. These three subjects, I am informed, are now under the consideration of the National Administration, whose intention it is to settle them with as little delay as possible, and in such manner as will meet with general acquiescence and approval.

While two heroic nations in Europe have been engaged in deadly strife, shocking to civilization, our country has been but little affected by it in a physical sense. But our sympathies are deeply excited for both people, and in the name of humanity we earnestly hope their differences may soon be satisfactorily adjusted, and peace restored.

I have observed with pleasure that Congress is about to provide, by legislation, for the building up and protection of the commercial marine of our country, and for postal facilities to and from foreign countries by



American vessels. These measures should, and no doubt will, receive the approval of the people. It is also gratifying to find the mercantile, manufacturing, railway and other interests of our great commercial city of Philadelphia, moving with vigor, and, I am assured, with success, in providing the means necessary to establish a first-class line of American iron steamships to run between that city and European ports. The Legislature will, no doubt, grant liberal franchises to effect a result that will place our Commonwealth in advance of all others, in the construction and use of such vessels for ocean navigation. With the aid and facilities which the National and State Governments may find it their duty and interest to extend, it is hoped that this enterprise will be successful. The construction and maintenance of steamers suitable for the purposes indicated, would consume large amounts of our great staples—iron, steel, coal and lumber—and also give employment to thousands of our mechanics and citizens, and vastly benefit all branches of trade and industry.

All good citizens will rejoice when the last disagreeable vestiges of the recent civil war shall have been obliterated. Since the cessation of open hostilities, the nation has set the whole world a noble example by its unprecedented magnanimity in forgiving the offences and restoring to citizenship the great mass of those who warred against its peace and safety. In this regard, we have been as generous in peace as we have been invincible in war; and now but comparatively few of those who sought to dis-sever the Union remain as aliens and strangers to its government. The supremacy of the laws has been maintained, and their power is no longer disputed. The passions that excited and protracted deadly strife have subsided, and we are again, practically, a homogenous people. There are, doubtless, here and there,



some disaffected spirits, but their numbers are too few, and their power too insignificant, to give serious cause for the uneasiness or alarm. And even towards these, conciliation will be more productive of good results than the avenging force of triumphant power. It is greatly to be desired that universal peace, amity and national fellowship and brotherhood should again prevail throughout our country. And the time is, I trust, close at hand, when this grand and perfect consummation will be effected by universal amnesty. It would efface the lingering distinctions which are fostered by punishment of the very few for crimes in which very many participated, and remove the last pretext for hostility against a government whose magnanimity is the crowning glory of its power. It will accord with enlightened and progressive civilization, and harmonize with the tested might and grandeur of free institutions. It will present, too, the noblest government of the world's history as impregnable and indissoluble, because founded, without distinction, class, birth or circumstances, upon the virtue and intelligence of all its people.

The employment of United States troops at elections, without the consent of the local and State governments, has recently received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the State, which was not contemplated by the founders of the general government, and, if persisted in, must lead to results disastrous to peace and harmony. The practice is one so serious in its character, and so injurious in its tendencies, as to merit prompt consideration, and decisive action, not only by the General Assembly but by Congress. One of the complaints of the colonists against the British King was the oppression growing out of the assumption of this power. They said, "He has kept among us in times of peace, standing armies,



without the consent of our Legislature;" and, what is especially pertinent to the case in point, "He has affected to render the military independent of, and superior to, the civil power." The alleged authority for the use of troops, at our State elections, is derived from the tenth section of an act of Congress, approved May 31, 1870, entitled "An Act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes," which authorizes United States marshals to call to their assistance, "such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the Fifteenth Amendment to the Constitution of the United States." But it must be a forced construction of this law that will justify the presence of armed national forces at our places of election when no necessity exists therefor, and where their presence is calculated to provoke collision. With a good President, the exercise of the power referred to might have no injurious results, but in the hands of a bad man, governed by personal ambition, it might prove exceedingly calamitous. Unconsciously a good President might be induced to employ it wrongfully; a bad one would be almost certain to use it for his own advancement. Under any circumstances, in my opinion, it is unsafe, and antagonistic to the principles that should govern our republican institutions. At the last October election United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent or even the knowledge of the civil authorities of either the city or the State, and without any expressed desire on the part of the citizens; and as far as can be ascertained, without existing necessity. From a conscientious conviction of its importance, I



have called your attention to the subject. A neglect to have done so might have been construed as an endorsement of a measure that meets my unqualified disapproval. The civil authorities of Pennsylvania have always been, and are still, competent to protect its citizens in the exercise of the elective franchise, and the proper and only time for United States military forces to intervene, will be, when the power of the Commonwealth is exhausted and their aid is lawfully required.

The celebration of the Centennial Birthday of American Independence is exciting much public attention. It will be an important era in the history of the nation. Congress has already agitated the subject, and will, doubtless, soon take action in relation thereto. The place for this great occasion should not be a question of controversy. No other could be so appropriate as Philadelphia. Around the Hall of Independence cluster all the brightest memories of the eventful period to be commemorated. There Congress met; there the historic bell first proclaimed "liberty throughout all the land—unto all the inhabitants thereof;" there the Declaration of Independence was first promulged, and there should be the national celebration of the one hundredth anniversary of the nation's existence.

In conclusion, it is my sincere desire, that we may cultivate the spirit of good will, forbearance, kindness and charity, and unite in constant efforts to promote the public good and general prosperity.

JNO. W. GEARY.

Executive Chamber,  
Harrisburg, January 4, 1871.



PARDON REPORT.

Tabular Statement of the number of pardons, remissions of fines and forfeited recognizances, (with the yearly average), restorations to citizenship and death warrants issued from the year 1791 to 1870, inclusive, together with the names of the Governors by whom they were issued.

Years, Inclusive.	Number of years.	Pardons and remissions.	Yearly average.	Death warrants.	Restoration to citizenship.	By Whom Issued.
From 1791 to 1799,.....	9	1,188	132	10	.....	Thomas Mifflin.
" 1800 to 1808, ...	9	1,509	2.2	10	.....	Thomas M'Kean.
" 1809 to 1817, ...	9	1,555	172	6	.....	Simon Snyder.
" 1818 to 1820, ...	3	1,304	434	6	.....	William Findlay.
" 1821 to 1823, ...	3	787	262	4	.....	Joseph Hiester.
" 1824 to 1829, ...	6	821	136	7	.....	John A. Shultz.
" 1830 to 1835, ...	6	502	83	8	.....	George Wolf.
" 1836 to 1838, ...	3	481	160	6	.....	Joseph Ritner.
" 1839 to 1844, ...	6	725	120	14	57	David R. Porter.
" 1845 to 1848, ...	4	327	81	11	25	Francis R. Shunk.
" 1849 to 1851, ...	3	378	126	6	29	William F. Johnston.
" 1852 to 1854, ...	3	326	108	11	37	William Bigler.
" 1855 to 1857, ...	3	161	53	8	37	James Pollock.
" 1858 to 1860, ...	3	216	72	12	34	William F. Packer.
" 1861 to 1866, ....	6	763	127	18	1	Andrew G. Curtin.
" 1867 to 1870, ...	4	296	74	20	1	John W. Geary.
	80	11,739	146	157	231	

JNO. W. GEARY.



To the Assembly Vetoing "An Act Relating to the  
Transfer of Stock in Corporations."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**S**ENATE BILL NO. 1034, ENTITLED "AN ACT  
relating to the transfer of stock in corporations,"  
is returned herewith, without approval.

The object of the proposed statute appears to be the repeal, by the Legislature, of a rule established by many of our State corporations, which requires a person applying for leave to transfer stock, standing in his name as trustee, to produce the instrument under which he claims to exercise the right to dispose of the stock.

The propriety of the rule thus established cannot well be questioned. Administrators, guardians and assignees are under bond, which protects those for whom they act. They, like executors, most often times, of necessity, sell stocks in their hands, in order to pay debts. But trustees, appointed by marriage settlements, or other similar instruments, are rarely called upon to convert assets for payment of debts, and, perhaps, never enter security. To give such persons unlimited power to transfer valuable stocks might lead to disastrous results. The deed creating the trust might prohibit the sale. The grantor might be willing to confide in a certain person, as trustee, for collection of an income needed, perhaps, for necessary disbursements almost as soon as received, but might be wholly unwilling to risk the mis-appropriation of a valuable estate. The deed might, therefore, contain an absolute prohibition of sale. The same restraint might be interposed for the purpose of providing for an accumulation or an anticipated rise in the value of the securities, and other reasonable motives may readily be imagined for such a restriction.



The proposed act would scatter all such safe-guards to the wind. Under the provisions of this bill it is commanded, that "banks and other corporations, incorporated under the laws of this Commonwealth, shall \* \* \* \* permit the transfer (of stocks) \* \* \* by \* \* \* persons, appearing to be the legal owners thereof."

It will thus be seen that the mere exhibition of an "appearance" of title constitutes, under this act, a peremptory command to permit a transfer of stock. It is true, that a proviso to the act gives the party injured a remedy over against the apparent owner, but he would have his right, under all circumstances, and the grant of it is a sorry palliation for the wrong not only permitted but commanded by the preceding paragraph. It is very clear that these views were not considered by the Legislature. They are not suggested, but are rather concealed by the peculiar phraseology of the bill. The words, trustee, trust, cestui que trust, do not appear in the act. Yet it is evident that the whole scope of the proposed law is to enable a trustee to transfer stocks without exhibiting the deed, which may forbid the sale. Instead of calling him trustee, the act describes him as "the person appearing to be the legal owner." The cestui que trust is, in like manner, designated as "the person beneficially interested," and unless special attention were directed to the bill, even a careful reading of it would convey no exact idea of its meaning. It required no legislation to declare that the legal owner of stock could transfer it or receive the dividends. But read in the light of a decision of the Supreme Court of this State, it is manifest that the object here contemplated is the legislative repeal of the doctrine of a judgment deliberately considered and solemnly announced. Whether the act is aimed at the case referred to, or whether the controversy reported therein has been settled, and the proposed statute is designed for other trusts, is wholly immaterial.

Sufficient for our purpose to know that the highest



tribunal of the State has decided that a trustee cannot compel a bank to permit a transfer, without exhibition of the paper creating the trust. (Bayard vs. The Bank, 2 P. F. Smith, 232.) In delivering the opinion of the Supreme Court in that case, Mr. Justice Strong, after a full and learned review of all the authorities upon this subject, says: "There is no case in which it has been ruled that a trustee of stock, whose certificate shows a declared trust for another named, has a right to transfer it without showing a power beyond his certificate. It never has been decided that a corporation may disregard the rights of a known equitable stockholder. It would be an anomaly were there any such decisions. An obligor in a bond must take notice of the rights of an equitable assignee of the obligee. A stakeholder cannot very safely pay over to him, who has the legal right, when he knows another to be the beneficial owner. With equal reason, at least, ought it to be held illegal for a corporation to aid in destroying the title of a cestui que trust to its stock without being satisfied that the trustee had authority to part with and destroy it."

The proposed statute tears up this sound and just ruling by the roots, and leaves every helpless cestui que trust at the mercy of a trustee who may have given no security, and who may have been forbidden by his very deed of appointment, from making the transfer. I have not been unmindful of the fact, that this bill has been supported by able and learned arguments, and that it passed both Houses with great unanimity.

But I venture to indulge the hope, that a reflection upon the reasons here respectfully submitted for your consideration, will save from destruction the estates of those who oftentimes cannot protect themselves, and that our statute book will be spared the reproach of such unjust and dangerous legislation.

JOHN W. GEARY.



To the Assembly Vetoing "An Act to Provide an Additional Judge of the Several Courts in the Twenty-first Judicial District."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**S**ENATE BILL NO. 526, ENTITLED "AN ACT TO provide an additional judge of the several courts in the Twenty-first Judicial district," is herewith returned without approval.

It has been represented that the necessity for this increase in the judiciary of Schuylkill county is to be found in the fact that there is a large arrear of business upon the dockets and trial lists of the court of that county.

On the other hand it is objected that if the recently established criminal court had been allowed to relieve the quarter sessions and oyer and terminer, the civil business could all have been despatched in due and proper season.

It is unfortunately the fact that, notwithstanding complaints of an excess of business, a new court, especially provided to relieve this pressure, was obstructed for several years in the discharge of its functions, and a salaried judge compelled to remain idle whilst others were complaining of their inability to clear the trial lists.

It should be understood that the public treasury is not to be unjustly burdened with the expense of additional law judges in any districts of the State, whilst the courts now in operation are not in session the whole time. When judges find that the devotion of a proper amount of their time to their work renders it impossible for them to try all the cases at issue, it will be time enough to ask for an increase in their numbers. It is not to be supposed that a judge should



hold a court every day, or that he should actually sit upon the bench twelve hours out of every twenty-four. Time is needed for study, for examination of authorities, for preparations of opinions, and for necessary vacations.

But it is surely not asking too much of a county judge to require that he shall hold jury trials six months in every year, if his business demands such an appropriation of time.

I am informed that the records of Schuylkill county show that the courts of common pleas and quarter sessions sat for jury trials, in the year 1869, but ninety-seven days, and up to November, in the year 1870, but eighty-two days.

These figures conclusively demonstrate the utter inexpediency of the proposed bill.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Granting to the School Directors of the Borough of Lebanon, the Potters' Field of that Place for School Purposes."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED TO THE SENATE, in which it originated, bill No. 968, entitled "An act granting to the school directors of the borough of Lebanon, the Potters' field of that place for school purposes."

I can not approve of this bill. It does not dedicate a certain piece of public property to public use, but it attempts to authorize two officers of a school board to sell a lot in the borough of Lebanon, heretofore used as a Potters' field.



It is very clear that the land referred to does not belong to the school board. The title is probably vested in the borough or in the county. Without the consent of the owners, no valid conveyance can be made of the property, and as beyond all question, the State is not the proprietor, it is difficult to understand how she can authorize any men to sell land neither belonging to them nor to the Commonwealth. This would, if carried out, be confiscation, not legislation.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Town Hall Company of Greencastle, Pennsylvania."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**S**ENATE BILL NO. 1336, entitled "An ACT TO INCORPORATE the Town hall company of Greencastle, Pennsylvania," is returned herewith without approval.

The act of May 7, 1855 (P. L. p. 477), authorizes the county courts to incorporate town and city hall associations.

The Constitution (Section 9, Article 11), forbids the Legislature to grant "any powers or privileges in any case where authority to grant such powers or privileges has been, or may hereafter be, conferred upon the courts of this Commonwealth." Independently of any constitutional question, sound policy requires that the time of the Legislature should not be occupied with the consideration of local and private bills, where the courts of the county are open, and have full power to grant the desired charters.



It is only by discouraging such applications, that the General Assembly can be relieved of that pressure and importunity which have inflicted serious evils upon the community, by rendering it impossible for the Legislature to consider fully and to act deliberately upon questions of great public moment.

If a fuller statement of objections to such legislations as this is desired, it may be found in House Journal for 1869, page 62.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Bear Creek Oil and Pipe Company."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT EXECUTIVE approval, to the Senate, in which it originated, bill No. 95, entitled "An Act to incorporate the Bear Creek oil and pipe company."

A number of respectable citizens of Armstrong county have remonstrated against the approval of this bill as oppressive to the oil producers, and unjust to the property holders of that neighborhood.

It has no public necessity or good to recommend it, and the grant of a right "to take, appropriate, use and occupy such lands as may be deemed necessary for \* \* building tanks and for laying down pipes." is of very questionable expediency.

JNO. W. GEARY.



To the Assembly Vetoing "An Act Granting an Annuity to Elizabeth F. Rice, Widow of P. A. Rice, who Died in Libby Prison During the Late War.

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT EXECUTIVE approval, to the Senate, in which it originated, bill No. 858, entitled "An Act granting an annuity to Elizabeth F. Rice, widow of P. A. Rice, who died in Libby prison during the late war."

This bill is objectionable because it seeks to establish an invidious preferment in favor of one widow over all the widows whose husbands perished in the war. There are thousands of such cases, and their misfortunes are well worthy of the sympathy and relief of the Legislature, to be obtained, perhaps, through the medium of a general law, but whilst this is withheld it would seem improper to make partial distinctions.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Merchandise Loan and Deposit Company of Philadelphia."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED WITHOUT EXECUTIVE approval, to the Senate, in which it originated, bill No. 847, entitled "An Act to incorporate the Merchandise loan and deposit company of Philadelphia."



This act proposes to incorporate a pawn-broking establishment, with a capital of \$200,000, capable of expansion to \$1,000,000, and to create secret liens upon personal property.

I regard both of these objects as contrary to sound policy.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Open East Tacony Creek Lane, in the City of Philadelphia."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED WITHOUT EXECUTIVE approval, to the Senate, in which it originated, bill No. 1678, entitled "An Act to open East Tacony Creek lane, in the city of Philadelphia."

It does not appear that the proposed lane is called for by any requirement of public convenience; it has been strongly objected to, and the responsibility of deciding upon the merits of these measures should not be thrust upon the Legislature and Executive departments. The courts of the several counties have the power to open all needful roads. Before them the parties petitioning and objecting can be fully heard, and the evidence on both sides impartially considered. To these forms all such applications should be referred. To permit them to gain their suit by appeals to the Legislature, without notice to parties who may be opposed to the project, is to open a door possibly for fraud, certainly for injustice.

JNO. W. GEARY.



To the Assembly, Vetoing "An Act to Extend the Time for the Payment of Enrolment Tax upon the Act to Incorporate the Richland Street Railway Company."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED WITHOUT APPROVAL, Senate bill No. 933, entitled "An Act to extend the time for the payment of enrolment tax upon the act to incorporate the Richland Street railway company."

Having on the 14th day of April last, approved a general law extending the time for the payment of enrolment taxes for one year, from the first day of May, 1870, it is considered unnecessary to approve any special acts for the same purpose.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Supplementary to the Act Relating to the Clerk of the Court of Quarter Sessions of Allegheny County."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:

**H**EREWITH IS RETURNED, WITH OBJECTIONS, Senate bill No. 185, entitled "An Act supplementary to the act relating to the clerk of the court of quarter sessions of Allegheny county."

The bill imposes on the clerk of the court of quarter sessions the duty of making out and furnishing lists, every three months, to the county treasurer and Auditor General, of all licenses granted in the county of Allegheny, with the dates of granting and the names of the parties to whom granted, &c.



By the fourteenth section of the act of 11th March, 1834, it is provided that: "The clerks of the several courts aforesaid, shall immediately after each term. make out and deliver the said licenses to the treasurers of their respective counties, for which they shall take receipts; and within ten days thereafter they shall transmit, under seal, to the Auditor General, a list of the names of all persons to whom licenses may have been granted at such preceding term."

The returns here required by law are considered sufficient for all practical purposes, and what good could result from compelling additional returns of the same things, every three months, is not apparent.

Moreover, this is a proper subject for general and uniform laws; and if the statute of 1834 needs change or amendment, let it be amended by some general enactment, for the whole State, and not by a special and local act for only one county.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Regulating the Fees of the Sheriff of the County of Perry."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:—

**I FIND MYSELF UNABLE TO APPROVE SEN-  
ate bill, No. 948, entitled "An Act regulating the  
fees of the sheriff of the county of Perry."**

Prior to the 2d of April, 1868, the fees of sheriffs, and other county officers, were fixed and regulated by a large number of special enactments on that subject. On that day an act was passed making a uniform fee bill for nearly all the counties of the State. The bill



now under consideration proposes to make the county of Perry an exception to this general law, so far as relates to the fees of sheriff, and to allow that officer in that county, "the actual costs and expenses of vendue criers, by him employed in all sales of real and personal property," and twenty per centum on all other sheriff's fees in addition to the rates fixed by said act. This change is not demanded by any public necessity, but is merely local and special legislation for the benefit of the sheriff. Perry is by no means the least of our counties, and on the same pretexts a dozen others might ask similar changes; and ere long we would again have as many fee bills as we have counties in the State, or as existed prior to the general law of 1868. Since that date, believing in the sound policy of general laws, I have withheld Executive approval from numerous bills of this class, and can see no sufficient reasons for making this an exception to the general rule.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act Entitled 'An Act Relating to Assignees for the Benefit of Creditors and Other Trustees.' "

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:—

SENATE BILL, NO. 235, ENTITLED "A SUPPLEMENT to an act entitled 'An Act relating to assignees for the benefit of creditors and other trustees,' " is herewith returned, with the following objections:

The first section of the bill is harmless, but consid-



ered of no use, because substantially only a re-enactment of existing law. It is believed that the fifteenth and sixteenth sections of the act of June 14, 1836, the act of March 17, 1838, and the first section of the act of April 6, 1859, confer all the powers asked by the first section of the bill now under consideration.

However this may be, the second section is the really objectionable one, and can not be approved. It authorizes the removal of a trustee, merely because he resided out of the State when appointed, even though he may be a resident of the State and properly discharging the duties of his appointment at the time his discharge is demanded. I can imagine no sufficient reason for such legislation as this. It is the policy of our laws to permit owners of property to dispose of it by deed or will as they please, and if they see proper, to appoint trustees to take charge of it for those beneficially interested. In the nature of the case, these trustees are selected because of their integrity, character and fitness to discharge the duties imposed upon them; and generally, it can make no difference whether one trustee resides in the same State with the cestui que trust or not. The material question always is, does he faithfully discharge his duties? If not, the law has amply provided for his removal; but if he does, it would be against both public policy and individual interest, to remove him on a mere question of residence, and especially in the obnoxious form proposed.

JNO. W. GEARY.



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